



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No. 605/2020  
SWP No. 1783/2019

Wednesday, this the 28<sup>th</sup> day of July, 2021

Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mohd Hafiz, Age 50 years  
S/o Mohd Alam  
R/o Ari Tehsil Mendhar  
District Poonch

...Applicants

(Mr. M R Qureshi, Advocate)

### **Versus**

1. State of Jammu and Kashmir  
Through Commissioner/ Secretary to Govt.  
General Administration Department  
Civil Secretariat  
Srinagar/Jammu
2. State of J&K  
Through Commissioner Secretary to Government  
School Education Department,  
Civil Secretariat  
Srinagar/Jammu
3. J&K Service Selection Board,  
Through its Chairman  
Rail Head Complex,  
Jammu
4. Secretary Service Selection Board,  
Rail Head Complex,  
Jammu.

...Respondents

(Mr. Amit Gupta, Additional Advocate General)



## **ORDER (ORAL)**

**Mr. Justice L. Narasimha Reddy:**

The applicant responded to Advertisement No.07 of 2010 dated 12.11.2010 issued for selection and appointment to the post of Teacher in the School Education Department of Jammu & Kashmir. He retired from Central Reserve Police Force (CRPF) and claimed the status of Ex-serviceman. Though he was tentatively selected, his case was rejected at the stage of verification and he was not treated as Ex-serviceman. Aggrieved by that, initially the applicant filed SWP No. 161/2012 before the Hon'ble High Court of Jammu & Kashmir. That was disposed of on 23.02.2017, directing the respondents to consider his case by treating him as ex-serviceman.

2. An order was passed by the respondents, on 30.11.2017, rejecting his case. Feeling aggrieved by that, he filed SWP No.2959/2017. Once again, a direction was issued and in compliance with that, the respondents passed an order dated 04.02.2019, rejecting the case of the applicant. Aggrieved by that, the applicant filed SWP No.1783/2019 before the Hon'ble High Court. He pleaded that in view of the orders passed by the Government of Jammu & Kashmir as well as the Union of India from time to time, a retired



employee from CRPF deserves to be treated as Ex-serviceman.

2. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 605/2020.

3. Today, we heard Mr. M R Qureshi, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.

4. This is the 3<sup>rd</sup> round of litigation by the applicant in his effort to get selected to the post of Teacher under the category of ex-serviceman. It is fairly well known that Ex-serviceman is a category, which includes the persons, retired from Indian Army, Air Force and Navy. The CRPF occurs in the Paramilitary Forces or Central Armed Police Forces (CAPF). It may be true that the Government of India has also taken a decision to provide reservation in favour of Ex-CAPF persons also. That, however, is yet to take a shape. At any rate, unless the advertisement or Recruitment Rules provide for such reservation, one cannot claim the benefit under it. Once the applicant is an Ex-CAPF person, he cannot claim the benefit under the category of Ex-serviceman.



5. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

**( Mohd. Jamshed ) ( Justice L. Narasimha Reddy )**  
**Member (A) Chairman**

**July 28, 2021**  
/sunil/jyoti/daya/