

Item No.2

**Central Administrative Tribunal
Jammu Bench, Jammu**



TA No. 2460/2020
(SWP (WP(C). No.2991/2019)
With
TA No. 3064/2021
(SWP No. 2334/2014)

This the 15th day of April, 2021

(Through Video Conferencing)

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

1. TA No. 2460/2020

Syed Haneef Balkhi & Ors.

..Applicants

(Mr. Abhinav Shamra, Senior Advocate)

VERSUS

1. State of J&K, through Chief Secretary, J&K Govt., Civil Secretariat, Srinagar & Ors.

..Respondents

(Mr. Amit Gupta, Additional Advocate General and Mr. Rajesh Thappa)

2. TA No. 3064/2021

Syed Haneef Balkhi & Ors.

..Applicants



(Mr. Abhinav Shamra, Senior Advocate)

VERSUS

1. State of J&K, through Chief Secretary, J&K Govt., Civil Secretariat, Srinagar & Ors.

..Respondents

(Mr. Amit Gupta, Additional Advocate General and Mr. Rajesh Thappa)

ORDER (ORAL)**Justice L. Narasimha Reddy:**

The appointment to the Jammu & Kashmir Administrative Service (KAS) is from different sources, namely, 25% from Junior Scale of KAS, 65% from the State Civil Service, and 10% from technical services.

2. The applicants are the candidates from the 3rd category, who were inducted into KAS around the year 2011. They submitted a representation to the Government stating that their induction was much delayed and that, in view of Clause (1) of proviso (2) of Sub Rule (4) of Rule 15 of KAS Service Rules, 2008, and that they are entitled to the benefit of their induction into KAS. The Government did not accept the contention of the applicants and published a seniority list on 24.06.2011. The same seniority list was taken into account in the context of extending the benefit of non-functional upgradation, vide order dated 17.09.2018 and 13.12.2018. The applicants filed SWP No. 2334/2014 and SWP (WP(C)) No.2991/2019, before the Hon'ble High Court of Jammu & Kashmir by raising several grounds.

3. The respondents have filed the counter affidavits justifying their action.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 2460/2020 and TA No. 3064/2021.



5. We heard Mr. Abhinav Sharma, Learned senior counsel appearing for the applicants, and Mr. Amit Gupta, learned Additional Advocate General, for the Respondents.

6. It is no doubt true that the applicants have raised several contentions in the Writ Petitions. The necessity for us to deal with the same in detail is obviated on account of the fact that the validity of the Sub Rule (4) of Rule 15 of KAS Service Rules, 2008 and the proviso appended thereto, was dealt with by this Tribunal in O.A. Nos.61/924 and 925/2020 and T.A.Nos. 3415, 3430, 3439, 3449, 3462, 3467 and 3481/2020, vide order dated 30.03.2021. Sub rule (4) of Rule 15 of KAS Service Rules, together with Clause (1) of the proviso appended thereto, were set aside. In that view of the matter, the claim of the applicants cannot be accepted.

7. The TAs are accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lalit/ankit/dsn