

Central Administrative Tribunal Jammu Bench, Jammu



O.A. Nos.61/924 & 925/2020 and T.A. Nos. 3415, 3430, 3439,
3449, 3462, 3467 & 3481/2020

Order reserved on 15th February, 2021

Order pronounced on 30th March 2021

(Through Video Conferencing)

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

O.A. No.924/2020

1. Anoo Malhotra, Age 48 years
W/o Sh. RohitPuri
R/o H.no. 59, Sector-4,
Railway Road, Nanak Nagar, Jammu.
2. BabiliaRakwal, Age 49 years
W/o Sh. BhawaniRakwal
R/o Karan Nagar, Jammu
3. Nitu Gupta, Age 47 years
W/o Sh. Naresh Gupta
R/o H.No. 76, New Rehari, Jammu
4. PredimanKrishanBhat, Age 51 years
S/o Sh. DwarikaNathBhat
R/o 410/2, SurakhshaVihar,
Paloura Top, Jammu.
5. Khalid Jahangir, Age 47 years
S/o Sh. Abdul Rashid Banday
R/o 29-B, Govt. Quarters,
Gandhi Nagar, Jammu.
6. Pawan Singh Rathore, Age 47 years
S/o Sh. S.D.Rathore

R/o 82-D, Sainik Colony, Jammu.

7. Shiv Kumar Gupta, Age 49 years
S/o Sh. OnkarNath Gupta
R/o 91/7, ChanniHimmat, Housing Colony, Jammu

...Applicants
Versus

1. UT of Jammu and Kashmir,
Through Chief Secretary Govt. of J&K
Civil Secretariat, Srinagar/Jammu.

2. UT of Jammu and Kashmir
Through Commissioner/Secretary
General Administration Department J&K Govt.
Civil Secretariat, Srinagar.

.....Respondent

3. Dr.GhulamNabiItoo
Present place of posting
D.C. Baramulla

4. Tariq HussainGanaie
Present place of posting
Director Rural Sanitation, J&K

5. Gulzar Ahmad Dar
Present place of posting
Addl. Inspector General of Registration, Kashmir

6. Ali Afsar Khan
Present place of posting
Addl. Secretary,Higher Education Department,
Civil Secretariat.

7. GhulamRasool Mir
Present place of posting
Addl. Secretary, Health & Medical Education Department, Civil Secretariat.

8. Dr. Ravi Shankar Sharma
Present place of posting

Addl. Secretary, H&UDD, Civil Secretariat.

9. Pankaj Magotra
Present place of posting
Addl. Secretary, Jal Shakti Department,
Civil Secretariat.

10. Ashok Kumar Pandita
Present place of posting
Addl. Secretary Information Department,
Civil Secretariat.

11. Reyaz Ahmad Wani
Present place of posting
Director Urban Local Bodies, Kashmir

12. Manzoor Ahmad Bhat
Present place of posting
Addl. Commissioner, Commercial Taxes (Adm), Kashmir.

13. Asgar Hussain
Present place of posting
M.D. JKTD

14. Manisha Sareen
Present place of posting
Secretary, JKBOSE

15. Ajay Sharma
Present place of posting
Director, Development Expenditure, Division-I, Finance
Department, Civil Secretariat.

16. Kishore Singh Chib
Present place of posting
Director Floriculture, Jammu.

17. Masarat-ul-Islam
Present place of posting
Director Handicrafts & Handlooms, Kashmir

18. Dr. Firdous Ahmad Giri
Present place of posting
Secretary, BOPEE, J&K, Srinagar.

19. Mohammad Yousuf Mir

Present place of posting
Additional Registrar, Cooperative, Kashmir

20. Mohammad Younis Malik
Present place of posting
Director School Education, Kashmir.

21. Qazi Sarwar
Present place of posting
Director Rural Development, Kashmir.

22. Vikas Sharma
Present place of posting
Director Geology & Mining, J&K.

23. Indu Kanwal
Present place of posting
D.C. Reasi.

24. Subash Chander Chibber
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Director, Estates, J&K, Srinagar.

25. Khurshid Ahmad Sanai
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Addl. Secy. Social Welfare, Civil Secretariat.

26. Imam Din
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Director, Horticulture Marketing & Planning.

27. Moses Kunzang
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Director, Industries & Commerce,
UT of Ladakh.

28. Reyaz Ahmad Sofi
Present place of posting
ADDC, Kulgam.

29. Bashir Ahmad Wani
Present place of posting
Administrator Associated Hospitals Srinagar.

30. Ram Savak
Present place of posting
Director Horticulture Jammu.

31. Mohammad Nazir Sheikh
Present place of posting
D.C. Rajouri.

32. Mohammad Saleem
Present place of posting
Director Tribal Affairs, J&K.

33. Choudhary Mohammad Rashid
Present place of posting
ADDC Poonch.

34. Mohammad Mumtaz Ali
Present place of posting
Director, School Education, UT of Ladakh.

35. Pritam Lal Atri
Present place of posting
Member SSRB.

36. Farooq Ahmad Rather
Present place of posting
Director Floriculture Kashmir.

37. Harvinder Kour
Present place of posting
Member SSRB

38. Purnima Mittal
Present place of posting
Director Animal Husbandry Kashmir.

.....Respondents inducted against Training /Leave Reserve Posts

39. Rohit Khajuria
Present place of posting
Deputy Commissioner, Samba

40. Amit Sharma,
Present place of posting
Administrator, Associated Hospital, Jammu

41. M.M. RehmanGhasi
Present place of posting
Special Secretary to the Government,
Industries and Commerce Department.

42. NazimZai Khan
Present place of posting
Deputy Commissioner, Ramban

43. Bashir Ahmad Dar
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Managing Director, SIDCO

44. Shakeel-ul-Rehman Rather
Present place of posting
Commissioner, Food and Drugs Administration, J&K

45. M.S.Choudhary (ST)
Present place of posting
Director Employment, J&K.

46. Muzaffar Ahmad Peer
Present place of posting
Chief Executive Officer/ Secretary,
J&K Building and Other Construction Workers Welfare Board

47. Mrs. AnuradhaGupta
Present place of posting
Director, School Education, Jammu.

48. Mahmood Ahmed Shah
Present place of posting
Director, Industries and Commerce, Kashmir

49. Hashmat Ali Khan (ST)

Present place of posting
Special Secretary to the Government,
ARI and Trainings Department

50. Bilal Ahmad Bhat
Present place of posting
Additional Commissioner in the office of Divisional Commissioner,
Kashmir

51. Pradeep Kumar (SC)
Present place of posting
Transport Commissioner, J&K
52. Hashmat Ali Yatoo
Present place of posting
Managing Director, J&K Handicrafts (S&E)Corporation

53. ShahnawazBukhari (RBA)
Present place of posting
Commissioner, Survey and Land Records, J&K

54. Farooq Ahmad Shah
Present place of posting
Joint Financial Commissioner Agrarian Reforms in the office of
Financial Commissioner, Revenue, J&K

55. Ravinder Kumar Bhat
Present place of posting
Services placed at the disposal of UT of Ladakh

56. Mrs. KusumBadyal
Present place of posting
Additional Registrar, Cooperative, Jammu

57. Rajesh Sharma
Present place of posting
Secretary, J&K Public Service Commission.

58. JatinderSingh
Present place of posting
Director, Food, Civil Supplies and Consumer Affairs, Jammu

59. Anil Koul
Present place of posting
Director, Food, Civil Supplies and Consumer Affairs, Ladakh
Division headquartered at Kargil

60. MohdHarun Malik
Present place of posting
Special Secretary to the Government,
Housing and Urban Development Department.

61. Surat Singh (RBA)
Present place of posting
Additional Secretary to the Government,
Public Works (R&B)Department

62. Mrs. Vivek Sharma
Present place of posting
Director, Animal Husbandry, Jammu

63. Mohd Rafi (ST)
Present place of posting
Director, PanchayatiRaj, J&K

64. Rajinder Singh Tara
Present place of posting
Deputy Commissioner, Kishtwar

65. Munir-Ul-Islam
Present place of posting
Director, Archives, Archaeology and Museums, J&K

66. Ms. LeenaPadha (RBA)
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Additional Inspector General of Registration, Jammu

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68. SajjadHussainGanai (RBA)
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69. MohdShafiqChak (RBA)
Present place of posting
Member, J&K Services Selection Board

70. Om Prakash (SC)
Present place of posting
Deputy Commissioner, Kathua

71. Inderjeet (SC)
Present place of posting
Director, Agriculture, Jammu

72. Shahbaz Ahmad Mirza (RBA)
Present place of posting
Deputy Commissioner, Budgam

73. Rajesh Kumar Shavan (SC)
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74. Mrs. SmitaSethi
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Director, Command Area Development, Jammu

75. Gazanfer Ali
Present place of posting
Commissioner, Srinagar Municipal Corporation.

76. Abdul Rashid War
Present place of posting
Labour Commissioner, J&K

77. Narinder Singh Bali
Present place of posting
Special Secretary to the Government,
Youth Services and Sports Department

78. Aijaz Ahmad Bhat
Presently place of posting
Director, Horticulture, Kashmir

79. Rahul Sharma
Present place of posting
Managing Director, J&K State Financial Corporation

80. RifatArif
Present place of posting
Special Secretary to the Government,
Department of Floriculture, Parks and Gardens

81. Mohammad Akbar Wani
Present place of posting
Controller, Legal Metrology, J&K

82. Majid Khalil Ahmad Drabu
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Specified Wakaf Properties

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Department of Food, Civil Supplies and Consumer Affairs

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Regional Director, Survey and Land Records
(ex- officio Settlement Officer), Baramulla

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87. GhulamMohd Dar
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88. RavinderNath Sadhu
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Special Secretary to the Government,
Power Development Department

89. Nazir Ahmad Lone
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Additional Deputy Commissioner, Kupwara

90. Mohd. Hanief Malik (RBA)
Present place of posting
Additional District Development Commissioner, Kishtwar

91. Mrs. Anuradha Rani
Present place of posting
Member, J&K Special Tribunal, Jammu Bench

92. Angrez Singh Rana (RBA)
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93. ShowkatAjazBhat
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94. Babu Ram (SC)
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Agriculture Production Department

95. Abdul Salam Mir (ST)
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96. Ramesh Chander (SC)
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97. Ashok Kumar (SC)
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98. Mrs. SuraiyaJabeen (ST)
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99. Raman Kumar Kesar
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106. Mrs. NirupaRai (SC)
Present place of posting
Registrar, J&K Special Tribunal

107. Mohd. QasimWani
Present place of posting
Regional Director, Survey and Land Records
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108. Shamin Ahmad
Present place of posting
Special Secretary to the Government,
Finance Department

109. Mrs. Shabam Shah Kamli
Present place of posting
Mission Director, ICPS, J&K

110. Manzoor Ahmad Qadri
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113. Surdershan Kumar (ALC)
Present place of posting
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114. Abdul Hafiz Shah
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115. Musheer Ahmad (RBA)
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Controller of Examinations in the J&K Services
Selection Board

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120. BhawaniRakwal
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121. Raj Kumar Katoch (RBA)
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122. DeepikaKumari Sharma
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123. Mrs. Rachna Sharma
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Additional District Development Commissioner,
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124. Rakesh Kumar Srangal (SC)
Present place of posting
Additional Commissioner in the office of Divisional
Commissioner, Jammu

125. Mrs. Shubra Sharma
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Present place of posting
Ondeputation to Hague, Netherlands for pursuing Masters in
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130. NaseemJavidChowdhary
Present place of posting
Secretary, J&K Sports Council.

....Private Respondents

O.A. No.925/2020

1. Bhavani Rakhwal, 50 years, S/o Shri O P Kotwal, R/o 46A
Karan Nagar, Extn. Jammu

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Addl. Secretary, Higher Education Department,
Civil Secretariat.

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Secretariat.

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Choudhary Mohammad Rashid
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ADDc Poonch.

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Reyaz Ahmad
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ADD, Srinagar

GhulamMohd Dar
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Power Development Department

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Additional District Development Commissioner, Kishtwar

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Angrez Singh Rana (RBA)
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Mohd. QasimWani
Present place of posting
Regional Director, Survey and Land Records
(ex- officio Settlement Officer), Srinagar

Shamin Ahmad
Present place of posting
Special Secretary to the Government,
Finance Department

Mrs. Shabam Shah Kamli
Present place of posting
Mission Director, ICPS, J&K

Manzoor Ahmad Qadri
Present place of posting
Director, Sericulture, J&K

Bashir Ahmad Khan (RBA)
Present place of posting
Director, Food, Civil Supplies and Consumer Affairs,
Kashmir

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Surdershan Kumar (ALC)
Present place of posting
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Naseem Javid Chowdhary
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Secretary, J&K Sports Council.

T.A. No. 61/3415/2020

1. Showkat Hussain Kazmi, aged 53 years, S/o Mir Mehtab Shah, R/o Village Sathra, Post Office Santhra, District Poonch.
2. Anu Radha, aged 42 years, W/o Dr. R.K. Gupta, R/o Flat No. 1-C, Pocket-6, Housing Board Flats, Channi Himmat Jammu.
3. Mushtaq Ahmed, aged 44 years, S/o Chowdhary Noor Hussain, R/o Khrara Madhana, Tehsil & District Samba.
4. Om Prakash, aged 41 years, S/o Sh. Krishan Lal Bhagat, R/o Nai Basti, Tehsil & District, Reasy.
5. Romesh Chander, aged 47 years, S/o Sansar Chand, R/o House No. 9 VPO, Muthi, Near KC Doors, Tehsil & District Jammu.
6. Mohd Hanied Malik, aged 49 years, S/o Mr. Barkat Ali Malik, R/o Village Latti, Tehsil Ramnagar, District Udhampur.
7. Sudarshan Kumar, aged 43 years, S/o Shanker Dass, R/o VPO Pllanwala, Teshil Akhnoor, District Jammu.

8. Dara Singh, aged 52 years, S/o Sh. Mansa Ram, R/o Chawni Tehsil Gandoh, District Doda.

9. Rakesh Sarangal, aged 40 years, S/o Sh. Lashman Dass, R/o House No. 165, Sector-3 Channi Himmat, Jammu.

10. Mushir Ahmed, aged 42 years, S/o Mr. Mohd Dil Pazir, R/o Madina Colony, Rajouri.

Versus

1. State of Jammu & Kashmir through Chief Secretary, J&k Government, Civil Secretariat, Srinagar.

2. Commissioner/Secretary to Government General Administration Department, J&K Government, Civil Secretariat, Srinagar.

3. Hashmat Ali Khan, O/o Principal Private Secretary to Chief Secretary, J&K Civil Secretariat, Srinagar.

4. Amit Sharma, O/o Sub Divisional Magistrate, Dudu Basantgarh.

5. Nazim Zai Khan, O/o Deputy Secretary to Government, Information Technology Deptt. Srinagar.

6. Bashir Ahmad Dar, O/o Assistant Commissioner, Revenue, Shopian.

7. Shakeel-ul-Rehman Rather, O/o Special Assistant to Hon'ble Minister for Finance and Ladakh Affairs, Civil Secretariat, Srinagar.

8. Pradeep Kumar, O/o Deputy Secretary to Govt. Public Works (R&B) Deptt. (HRM) Branch, Srinagar.

9. Bikram Singh Jamwal, O/o Assistant Commissioner (Vigilance) in the State Vigilance Organization, jammu.

10. Javed Iqbal Balwan, O/o Special officer, Auqaf Jammu,

11. Sudershan Kumar Kapoor, O/o Principal, RTI, Jammu.

12. Mushtaq Ahmad Beigh, O/o Assistant Commissioner, Revenue, Pulwama.

13. Mohammad Rajab Bhat, R/o Wanbug, Tehsil & District Pulwama.
14. Tsering Marup (ST), O/o Chief Executive Officer, Tourism Dev. Authority, Leh.
15. Riyaz Ahmad Choudhary, O/o Assistant Commissioner Dev/ project Officer Wage Employment Doda.
16. Ramesh Chander Sharma (Retired) S/o Lt Sh Bua ditta, R/o H. No. 335, Sector 1 Channi Himmat Jammu.
17. S.C. Sharma, O/o Assistant Commissioner Dev/Project Officer, Wage Employment Rajouri.
18. Mohammad Abdullah Dar, R/o Bagh-E-Mehtab, The Budgam Srinagar.
19. Tasaduq Jeelani, O/o Deputy Excise Commissioner (Executive) Kashmir.
20. Gazanfer Ali, O/o Assistant Commissioner, Revenue, Leh.
21. Tsewang Dolma, O/o Assistant Commissioner, Revenue Leh.
22. Tsering Narboo (ST) O/o Sub Divisional Magistrate, Khaltsi, Kargil.
23. G R Badana, R/o Kite Colony Old Air Port Road, Gogo Lane Rangreth Srinagar.
24. Mohd Amin Khan, R/o Village Ranbirpora Mittan, Dist Anantnag, Srinagar.
25. M.L. Mantoo, S/o Sh. Ram Chand Mantoo, H. No. 148-Y, Govt. Flats C/o Poonch House, Jammu, C/o GAD.
26. B.A. Massodi, O/o Deputy Director, Social Welfare, ICDS, Kashmir.
27. Veer Ji Hangloo, O/o Development Officer, J&K Women's Development Corp, Jammu.
28. Bimla Saraf, O/o Deputy Director, Hospitality & Protocol (Stores) Jammu.

29. Abdul Aziz Bhat, O/o Assistant Commissioner Dev. Srinagar/Ganderbal.
30. Abdul Rashid Shah-I, R/o Moh, Kanipeer Hazartbal Srinagar.
31. Shakeel Ahmad Tang, O/o Deputy Director, PR (Urdu Wing), Information Department, Srinagar.
32. Rahul Sharma, O/o Assistant Chief Executive Officr, SMVDSB, Katra.
33. Narinder Singh Bali, O/o Chief Executive Officer, Jammu Urban Dev. Agency.
34. Aijaz Ahmad Bhat, O/o Project Officer, Self Employment, Srinagar/Ganderbal.
35. Hashmat Ali Yatoo, R/o Revenue Attorney with Divisional Commissioner, Kashmir.
36. Choudhary Rashid Azam Inqalabi, O/o Deputy Secretary to Government, Power Dev. Department, (HRM Branch), Srinaagar.
37. Mohammad Akbar Wani, O/o Project Officer, Wage Employment, Pulwama.
38. Bashir Ahmad Najar, O/o Deputy Secretary to Govt., Social Welfare Department, Srinagar.
39. Mufti-M-Fareed-Ud-Din, O/o General Manager, DIC, Srinagar.
40. Mohammad Yaseen Khan, Dy. Director Information (PR), Srinagar.
41. Mrs. Shahida Mustafa, R/o Yum Berzala, Opp. Panchayat Ground, Umar Heir Buchpora, Srinagar.
42. Shiv Kumar Sharma, R/o H. No. 409, Sector-4 Channi Himmat, Jammu.
43. Sheikh Arshad Ayub , O/o Deputy Secretary to Government, General Administration Department, J&K Srinagar.
44. Nazir Ahmad Naqash, O/o General Administration Department, J&K Srinagar.

45. Farooq Ahmad Shah, O/o Collector, Land Acquisition, Defense, Pooinch/Rajouri.
46. Mrs. Babila Rakwal, Deputy Secretary to Government Health and Medical Education Deptt (HRM) Branch Civil Secretariat, Srinagar.
47. Reyaz Ahmad, Personnel Officer, Associated Hospitals, Srinagar.
48. Anil Koul, O/o Collector, Land Acquisito, Defence Udhampur.
49. Mrs. Shabnam Shah Kamili, Deputy Secretary to Govt. General Administration Department, J&K Srinagar.
50. Dr. Ghulam Nabi Itoo, Special Assistant to Hon'ble Minister for Social Welfare, ARI and Trainings and Public Grievances, Srinagar.
51. Ravinder Kumar Bhat, Assistant Commissioner, Revenue, Budgam.
52. Mrs. Rachna Srham, Development Officer, Handicrafts, Jammu,.
53. Ms. Leena Padha (RBA) Deputy Secretary to Govt. General Administration Deptt. J&K Srinagar.
54. Mrs. Kusum Badyal, Collector, Power Grid Corporation of India, Jammu.
55. Rajinder Singh Tara, Deputy Secretary to Govt (Executive) Jammu, Housing and Urban Dev. Deptt. Srinagar.
56. Mrs. Vivek Sharma, Asssitant Commissioner (General), jammu.
57. Mohammad Hussain Mir, Secretary, Lakes & Waterways Dev. Authority, Srinagar.
58. Tariq Hussain Ganai, O/o General Administration Deptt, J&K Srinagar.

59. Munir-Ul-Islam, Assistant Commissioner, Revenue, Ganderbal (under orders of posting as Assistant Commissioner (Central) with Divisional Commissioner, Kashmir.

60. Showkat Aijaz Bhat, Deputy Commissioner, Commercial Taxes (Headquarter) Srinagar.

61. Gulzar Ahmad Dar, Deputy Secretary, J&K Public Service Commission, J&K Srinagar.

62. Arvind Kotwal, Deputy Director, Tourism Jammu.

63. Abdul Rashid Bhat, O/o Commissioner Secretary, GAD, Civil Secretariat, Srinagar.

64. Mohammad Harun Malik, Collector, Land Acquisition, Lakes and Waterways Dev. Authority, Srinagar.

65. Nisar Ahmad Wani, Special Assistant to Hon'ble Minister of State for Haj and Auqaf, Fisheries Social Welfare, Rural Dev Law and Parliamentary Affairs, Animal Husbandry and Hospitality & Protocol, Civil Secretariat, Srinagar.

66. Ali Afsar Khan, Deputy Secretary to Govt, Home Department, J&K Jammu.

67. Ghulam Rasool Mir, Deputy Secretary to Govt, General Administration Deptt. J&K Srinagar.

68. Jatinder Singh, Asstt Commissioner (Central), With Divisional Commissioner, Jammu.

69. Dr. Ravi Shanker Sharma, Special Assistant to Hon'ble Minister for Revenue, Relief and Rehabilitation Srinagar.

70. Sajjad Hussain Ganai, Programme Officer, ICDS projects, Anantnag.

71. Mrs. Anoo Malhotra, Deputy Commissioner Commercial Taxes (Appeals), Jammu.

72. Shamim Ahmad, Deputy Commissioner, Commercial Taxes (Audit), Kashmir.

73. Mrs. Nitu Gupta, Deputy Director (Administration) In the Directorate of Social Welfare, Jammu.

74. Prediman Krishan Bhat, Deputy Commissioner, Commercial, Taxes 9Audit) Jammu.

75. Mrs. Anuradha Rani, Deputy Registrar, J&K Special Tribunal, Jammu.

76. Pankaj Magotra, Deputy Secretary, in the Governor's Secretariat, Srinagar.

77. Tariq Ahmad Zargar, Assistant Commissioner, Development, Kupwara.

78. Manohar lal Raina, Project Officer, Wage Employment, Jammu.

79. Ghulam Mohd Dar, Administrative Officer, J&K Economic Reconstruction Agency, jammu.

80. Manmohan Singh, Deputy Excise Commissioner,(Executive) Jammu.

81. Ashok Kumar Pandita, Deputy Director, CA&PD, Jammu.

82. Reyaz Ahmad Wani, O/o Commissioner Secretary, GAD Civil Secretariat, Srinagar.

83. Manzoor Ahmad Bhat, Deputy Director in the Directorate of Rural Development Kashmir.

84. Ravinder Nath Sadhu, Collector, Land Acquisition, HEP, Baghliar.

85. Manzoor Ahmad Qadri, Sub Divisional Magistrate, Uri.

86. Raman Kumar Kesar, Project Officer, Wate-Shed, Doda.

88. Asgar Hussain, private Secretary to Hon'ble Chief Minister, Srinagar.

89. Bashir Ahmad Khan, Secretary J&K Housing Board, Srinagar.

90. Khalid Jahangir Addl. Private Secretary to Hon'ble Union Minister for Health & Family Welfare, Srinagar.

91. Mrs. Manisha Sareen Programme Officer (ICDS), Jammu.

92. Mohd Ishaq Shah, Deputy Secretary, J&K Public Service Commission, Srinagar/Jammu.
93. Ajay Kumar, Deputy Director, Tourism Jammu.
94. Mrs. Deepika Kumari, Programme Officer, ICDS Projects, leh.
95. Ajaz Abdullah Sartaf, Assistant Commissioner, Revenue, Kupwara (with additional charge of Assistant Commissioner, Revenue, handwaraj).
96. Pawan Singh Rathore, Project Officer, Water shed Poonch.
97. Mohd Rafi, Special Assistant to hon'ble Minister for Forests, Ecology and Environment, Srinagar.
98. Shahnawaz Bukhari, O/o Commissioner, Secretary, GAD Civil Secretariat, Srinagar.
99. mehraj-ud-Din rather, Programme officer, ICDS Projects, Srinagar.
100. Kishore Singh Chib, Special Assistant to Hon'ble Minister for School Education and Public Enterprises, Srinagar.
101. Shahbaz Ahmad Mirza, Assistant Commissioner, Revenue, Rajouri.
102. Mrs. Rubeena Kounser, Deputy Director (Admn) In the Directorate of Social Welfare Kashmir.
103. Mussarat Islam Soharwrdy, Special Assistant to Hon'ble Minister for State for Housing & Urban Dev. PHE, Tourism Revenue and Relief & Home, Srinagar.
104. Mohinder Singh, Chief Executive Officer, Tourism Dev. Authority, Surinsar-Mansar.
105. Dr. Firdous Ahmad Giri, Deputy Secretary to Govt, Finance Department, J&K Srinagar.
106. Mohammad Yousuf Mir, Sub Divisional Magistrate, Karnah-Tangdar.
107. Mohd Younis Malik, Special Assistant to Hon'ble Minister for Rural Dev Panchayats, Law Justice and Parliamentary, Srinagar.

108. Surat Singh, Collector, Swalakote, Hydroelectric Project, Rambani.
109. Ms. Subhra Sharma, Personnal Officer, Associated Hospitals, Jammu.
110. Mrs. Mathora Masomm, Secretary, Srinagar Development Authority, Srinagar.
111. Shiv Kumar Gupta, Regional Transport Officer, Kathua (Hqr. Lakhanpur).
112. Qazi Sarwar, Assistant Commissioner, Development/Project Officer, Wage Employment, Budgam.
113. Vikas Sharma, Deputy Chief Executive officer, SMVDSB, Katra.
114. Mrs. Indu Kanwal, O/o General Administration Department, J&K Srinagar.
115. Mohd Shafiq Chak, Assistant Commissioner, Revenue Srinagar.
116. Tej Krishan Bhat, Special Assistant to Hon'ble Minister for Technical Education, Youth Services, Sports and Medical Education,, Srinagar.
117. Manzoor Ahmad Sofi, Project Officer, Wage Employment, Anantnag.
118. Angrez Singh Rana, Deputy Secretary to Govt, Department of Tourism and Culture
119. Abdul Salam Mir, Executive officer, J&k State Haj Committee, Srinagar.
120. Subash Chander Chibber, Deputy Secretary to Govt, Home Department, Srinagar.
121. Nazir Ahmad Khawaja, Programme Officer, ICDS Projects, Budgam.
122. Shafqat Iqbal, Deputy Director, CA&PD (Supplies) Kashmir.

123. Imam Din, Secretary, J&K Service Selection Board, Jammu/Srinagar.

124. Moses Kunzang, Project officer, DRDA, Leh.

125. Reyaz Ahmad Sofi, Project officer, Self Employment, Anantnag.

126. Ram Savak, Deputy Secretary in the Chief Minister's Secretariat, Srinagr.

127. Raj Kumar Katoch, Secretary, J&K Women's Development Corporation, Jammu.

128. Nazir Ahmad Baba, General Manager, DIC, Baramulla.

129. Mrs. Riffat Kohli, General Manager, JKTDC, Jammu.

130. Kalyan Singh, Chief Executive Officer, Tourism Development Authority, Bhaderwah.

131. Mohd Nazir Sheikh, Project Officer, DPAP, Udhampur.

132. Ajesh Kumar, Deputy Director, CA&PD, Poonch, Rajouri with Hqr at Rajouri.

133. Mohammad Saleem, Project Officer, Wage Employment Ramban.

134. Choudhry Mohammad Rashid, Project Officer, Wage Employment, Poonch.

135. Mohammad Mumtaz Ali, Deputy Secretary to Government, Forest Department, J&K Srinagar.

TA No. 3430/2020

1. Mukhtar-ul-Aziz, aged about 45 years S/o Abdul Aziz R/o Kathi Darwaza Srinagar Presently posted as Addl. Dy. Commissioner, Srinagar.

..Applicant

Vs.

1. State of Jammu & Kashmir, through Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Srinagar/Jammu.
2. Commissioner/Secretary to Government, Revenue Department, Civil Secretariat, Srinagar/Jammu.
3. Mr. Mohd Anees S/o Lt. Mohd Sadiq R/o Bagat Barzulla Srinagar.

..Respondents

T.A. No. 61/3439/2020

1. Javed Iqbal Balwan, age 56 years, S/o Kh. Abdul Rashid Balwan, R/o EP/BC 190 Naraina Street, Kachi Chawni, Jammu. Presently Special officer Auqaf J&K at Srinagar.
2. Rajinder Singh, age 56 years, S/o Th. Puran Singh, R/o D-146 Sainik Colony, Jammu, presently Add. Deputy Commissioner, Udhampur.
3. Bashir Ahmad Khan, ag 55 years, S/o Gh. Ali Khan, R/o Hyder Colony Janglat Mandi, Anantnag presently Add. Deputy Commissioner, Ramban.
4. Bikram Singh Jamwal, age 56 years, S/o Late Sh. Ajit Singh Jamwal, R/o D-643 Sainik Colony Jammu Presently Asst. Commissioner Vigilance J&K Srinagr.
5. Jagdev Singh, Manhas age 56 years, S/o Sh. Budhi Singh Manhas, R/o Naseeb Nagar Janipur presently Deputy Commissioner (Central) with Financial Commissioner (Revenue) J&K Srinagar.
6. Sudershan Kumar Kapoor age 58 years, S/o Late Isher Dass Kapoor R/o Vikas Lane Talab Tillo Jammu. Presently Principal Revenue Training Institute, Jammu.

Versus

1. State of Jammu and Kashmir, Through Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Srinagar.

2. Talat Pervez, presently Managing Director, J&K Cable Car Corporation, Kashmir.
3. Faraz Ahmad Shafie, Secretary to Srinagar Development Agency (Rt) Srinagar.
4. R.L. Sharma Dy Director Employment (rt) Udhampur.
5. Farooq Ahmad Shah Dy Director (Adm) Social Welfare (rt) Kashmir.
6. Farooq Ahmad Kirmani Add Secretary C/o GAD J&K Srinagar.
7. Gh. Mustafa Khan Dy. Director Social Welfare Kahmir.
8. Showkat Ali Khan A.D.D.D.C Anantnag.
9. Khadam Hussain Chief Executive officer, Tourism Development Authority, kargil.
10. Anil Kumar Gupta, Special Secretary to Govt Public Works (R&B) Deptt. Civil Secretariat Srinagar.
11. Rukhsana Ganai Deputy Labour Commissioner, new Delhi.
12. Dr. Sat Pal Program Officer ICDS Kathua.
13. R.S. Mehta Director, Tourism Jammu.
14. Ms. Rehana Butal Additional District Development Commissioner, Jammu.
15. Ali Asgar Choudhary (ST) Joint Director, Industries and Commerce, Jammu.
16. R.C. Sharma, Dy Registrar Special Tribunal, Jammu.
17. Zubair Ahmad Special Secretary to Government, Agriculture Production Department, Civil Secretariat, Srinagar.
18. R.K. Pandita, Special Secretary to Government, Forest Department, Srinagar.
19. Mohammad Amin Jt Registrar (Adm) Co-operative Jammu.

20. M.H. Bhatti Additional District Development Commissioner, Rajouri.
21. Vijay Kumari Kotwal Deputy Labour Commissioner, Jammu.
22. M.S. Khwoosa Dy. Director CAPD Kashmir.
23. Mohammad Masood Bhat Programme Officer ICDS Budgam.
24. Omkar Nath Deputy Excise Commissioner (Executive), jammu.
25. Mtr. Mushtaq Fitma Additional District Development Commissioner, Poonch.
26. Syed Anwar Hussain Additional District Development Commissioner, Poonch.
27. Kachoo Nisar Ali Dy Director, Employment Kargil.
28. Ms. Reva Kumari Joint Director, 126 Handicrafts, Jammu.
29. Masood Ahmad Raja Additional Secretary to Government, Public Works (R&B) Department Civil Secretariat, Srinagar.
30. M.R. Sangra (SC Deputy Director Information Jammu.
31. Mohammad Hafiz (ST) Rev. Attorney with Divisional Commissioner Jammu.
32. Ms. Neelam Kumari Sethi Joint Registrar, Cooperatives jammu.
33. Mohammad Yousuf Bhat, Chief Executive Officer, Tourism Development Authority, Sonamarg.
34. Mtr. Shamima Rashid Dy. Secretary C.M. Secretariat, Srinagar.
35. Vijay Kumar Kaul Special Asst to Hon'ble Ministry for Social Welfare Srinagar.
36. Manohar Lal Sharma Dy Secretary Tourism Civil Secretariat, Srinagar.

37. Mohammad Shafi Dy. Secretary Tourism Civil Secretariat, Srinagar.
38. Ram Gopal Dy. Secretary Planning Civil Secretariat, Srinagar.
39. Nasir Iqbal Paray Additional District Development Commissioner, Reasi.
40. Ravi Kant Secretary in the J&K State Electricity Regulatory Commission Jammu.
41. A.R. Natnoo Additional Deputy Commissioner, Doda.
42. Kuldeep Singh Program Officer ICDS, Pulwama.
43. Ajay Singh Jamwal Additional Secretary to Government ARI Civil, Secretariat, Srinagar.
44. Mohammad Akbar Ganai Additional Deputy Commissioner, Srinagar.
45. Hafizullah Shah Additional Deputy Commissioner, Kulgam.
46. Arif-ullah Additional Secretary to Government, School Education Department Civil Secretariat, Srinagar.
47. Ghulam Mohi-ud-Din Additional District Development Commissioner, Kupwara.a
48. Nazir Ahmad Shah, Additional District Development Commissioner, Kishtwar.
49. Ram Rattan Sharma, Additional District Development Commissioner, Udhampur.
50. Mohammad Farooq Shah Pvt. Secretary to Principal Secretary GAD Civil Secretariat, Srinagr.
51. M.K. Raina Deputy Director Tourism Jammu.
52. Romesh Chander (SC) SDM Nowshera Rajouri.
53. Mohammad Hanief (ST) Project Officer DRDA Kathua.
54. G.H. Jeelni Secretary, S.S.B. Srinagar.

55. Shabir Hussain Dy. Secretary PDD Civil Secretariat Srinagar.
56. Bachan Singh SDM Zanskar
57. Ghulam Rashool (ST) Additional Secretary to Government, Cooperatives Department, Civil Secretariat, Srinagar.
58. Mir Tariq Ali, Additional District Development Commissioner, Pulwama.
59. M.K. Gupta, SDM Bani Dist kathua.
60. Anil Kumar Khajuria D.C. Sales Tex Jammu.
61. Vijay Kumar Sharma, D.C. Sales Tex Head Quarter Jammu.
62. Gulzar Hussain (ST) Programme Officer, ICDS Kargil.
63. Mrs. Sheela Bhagat (SC) Joint Registrar, Cooperatives (Headquarter), Jammu.
64. Bansi Lal (SC) Collector Defence Rajouri.
65. Raj Kumar Kundal (ST) Dy. Director Handloom Jammu.
66. Mohammad Abdullah Shah Dy Director (Training) Handicrafts Kashmir.
67. Mohammad Iqbal Mir General Manager, SKICC Srinagar.
68. R.K. Sodhi, Dy. Director CAPD Jammu.
69. I.A. Bandey. Dy. Director CAPD, Kashmir.
70. Javed Ahmad Shah Joint Director, Handlooms, Kashmir.
71. Asif Hameed Khan, Joint Director, Handlooms, Kashmir.
72. Dr. Abdul Gani Sofi Additional Private Secretary to Government, Rural Development Department, Civil Secretariat, Srinagar.
73. Mohammad Aslam Qadri Additional Deputy Commissioner, Budgam.
74. Kewal Krishan Sharma, Project Officer DRDA, Jammu.
75. Verinder Slathia Regional Transport Officer, Jammu.

76. Ramesh Chander Sharma Additional Deputy Commissioner, Samba.
77. Mohammad Anwar (ST) Additional Deputy Commissioner, Shopian.
78. Soujanya Kumar Sharma, Joint Director, Information jammu.
79. Itrar Hussain Rafique Additional Deputy Commissioner, kupwara.
80. L. Thinless Dy Director Employment Leh.
81. Parvez Ahmad Wani Deputy Commissioner, Commercial Taxes (Recoveries), Kashmir.
82. Tsering Narboo (ST) Project Officer DRDO, Leh.
83. Altaf Ahmad Mir Chief Executive Officer, Tourism Development Authority, Pahalgam.
84. Ghulam Rasool Wani (ST) Project Officer DRDA Kargil.
85. G.M. Zahid Dy Director Libraries Kashmir.
86. Regzin Namgial General manager DIC Leh.
87. Mohinder Singh Dy. Secretary Social Weflare Civil Secretariat, Srinagar.
88. Mushtaq Ahmad Shah Joint Director, Employment, Kashmir.
89. Mohammad Yasin Sheikh, Additional Secretary to Government, Social Welfare Department, Civil Secretariat, Srinagar.
90. Imtiaz Ahmad Additional Secretary to Government, Consumer Affairs and Public Distribution Department, Civil Secretariat, Srinagar.
91. Latief Ahmad General Manager, Government Press, Srinagar.
92. Jatinder Kumar Gupta, Additional Secretary to Government, Health Department Civil Secretariat, Srinagar.

93. Mohammad Ali (ST) Dy Director Employment Budgam Kashmir.
94. Ravi Dutt Sharma Registrar Sale Tex Tribunal Jammu.
95. Mohan Lal Sharma Special Assistant to Commissioner Agrarian Reforms.
96. Madan Lal Gupta Project Officer DRDA Doda.
97. Mohinder Singh Dy. Secretary Social Welfare Srinagar.
98. Mushtaq Ahmad Naqash Under Suspension attached with GAD Civil Secretariat Srinagar.
99. Subash Chander Sharma SDM Dudu.
100. Masood Ahmad Bastal SDM, uri.
101. Mohammad Yousuf (ST) Dry. Secretary PSC Srinagar.
102. Mohammad Muzaffar Hakim Additional Deputy Commissioner, Baramulla.
103. Mohammad Matloob Khan, Additional Deputy Commissioner, Poonch.
104. Mrs. Saleem Bano Joint Director, Industries and Commerce (S&M) Jammu.
105. Hasmat Ali Khan (ST) Principal Private Secretary to Chief Secretary Civil Secretariat Srinagar.
106. Mohammad Anees Regional Transport Officer, Kashmir.
107. Ghulam Hassan Wani Under Suspension attached with GAD Civil Secretariat, Srinagar.
108. Khurshid Ahmad Shah Additional Secretary to Government, Industries and Commerce Department, Civil Secretariat, Srinagar.
109. Amit Sharma, Sub Divisional Magistrate, Dudu-Basantgarh.
110. R.C. Puri Joint Director, Employment Jammu.

111. G.M. Brakboo Additional District Development Commissioner, Bandipore.
112. Aijaz Ahmad Mirza Chief Executive Officer Tourism Development Corporation, Rajouri.
113. Nazm Zai Khan, Deputy Secretary to Government, Information Technology Department, Civil Secretariat, Srinagar.
114. Mohammad Ali Khan (ST) Deputy Labour Commissioner, Kashmir.
115. Sheikh Mukhtar Hussain Secretary, J&K Board of Professional Entrance Examination, Srinagar.
116. Mohammad Anees RTO Kashmir.
117. Gulzar Hussain Member, J&K Services Selection Board, Srinagar.
118. Bashir Ahmad Dar Assistant Commissioner (Revenue), Shopian.
119. Ms. Sunita Anand Joint Director, J&K Institute of Management, Public Administration and Rural Development Srinagar.
120. Shek尔-ul-Rehman Rather Special Assistant to Hon'ble Minister for Finance and Ladakh Affairs Civil Secretariat Srinagar.
121. Pradeep Kumar (SC) Deputy Secretary to Government, Public Works (R&B) Department (HRM Branch Civil) Secretariat, Srinagar.
122. Ashish Dhar Development Officer Handicrafts Jammu.
123. Rajinder Prasad General Manager DIC, Udhampur.
124. V.K. Sharma, Joint Registrar (Audit), Cooperatives, Jammu.
125. M.M. Rehman Ghasi Additional Deputy Commissioner, Bandipore.
126. Avtar Singh Chib Chief Executive Officer, Tourism Development Authority, Lakhanpur-Sarthal.

127. Bilal Ahmad Bhat Joint Director, Industries and Commerce (Development), Kashmir.
128. Rakesh Gupta, Joint Director (Administration) in the Directorate of Consumer Affairs and Public Distribution, Jammu.
129. Nishar Hussain Wani Additional Deputy Commissioner, Anantnag.
130. Mohammad Ashraf Wani, Jt. Director (Adm) CAPD, Kashmir.
131. Rohit Khajuria, Additional Deputy Commissioner, kathua.
132. Fayaz Ahmad Bala Joint Commissioner, Srinagar Municipal Corporation.
133. Ab Rashid Naqqash under Suspension attached with GAD J7k Srinagar.
134. Sheikh Nazir Ahmad Joint Director Industries & Commerce Srinagar.
135. Sham Lal Beijyal Joint Director Information Jammu.
136. Mustaq Ahmad Shah Joint Director Handicrafts Kashmir.
137. Mohd Yousaf Dar Joint Director Handicrafts Kashmir.
138. Adil Rashid Naqqash under Suspension attached with DAG Civil Secretariat, Srinagar.
139. Amersingh Secretary Board of Professional Entrance Examination, Srinagar.
140. Syed Attaullah Samnani Joint Director (Adm) CAPD Srinagar.
141. Iftikhar Ahmad Bandey Chief Executive officer YuosmargDevelopment Authority.
142. Javed Ahmad Shah Joint Director Handloom Kashmir.
143. Asif Hamid Khan Joint Resident Commissioner Mombay.
144. Soba Ram Joint Director Hospitality and Protocol Civil Secretariat, Srinagar.

TA No. 3449/2020

1. Ashok Kumar, age 45 years, S/o Sh. Kunda Ram R/o Akhnoor, Tehsil Akhnoor, District Jammu.
2. Abdul Hamid Age 50 years S/o Abdul Rehman R/o Lati Tehsil Ramnagar, Udhampur.
3. Rajesh Shavan, age 40 years, S/o Sh. Duni Chand R/o Thelara, Doda.
4. Babu Ram Age 48 years S/o Sh. Kashmir Chand R/o Jodhpur, Doda.
5. Mukhtar Ahmed Choudhary Age 38 years, S/o Sh. Talab Hussain R/o Palengar, Thana Mandi, Rajouri.

Petitioners

Versus

1. State of J&K through Chief Secretary, Civil Secretariat, Srinagar.
2. Commissioner/Secretary, General Administrative Department, J&K Govt. Civil Secretariat, Srinagar.
3. Hasmat Ali Khan
Principal Private Secretary to Chief Secretary, Srinagar.
4. Amt Sharma
Sub Divisional Magistrate, Dadu- Basantgarh.
5. Nazim Ali Khan Deputy Secretary to Government, Information Technology Department, Civil Secretariat Dar Assistant Commissioner, Revenue, Shopian.
7. Shakeel-ul-Rehman Rather Special Assistant to Hon'ble Minister for Finance & Ladakh Affairs, Civil Secretariat, Srinagar.
8. Pradeep Kumar, Deputy Secretary to Government, Public Works (R&B) Department (HRM Branch) Civil Secretariat, Srinagar.
9. Bikarm Singh Assistant Commissioner (Vigilance) in the State Vigilance Organization, Jammu.
10. Javed Iqbal Balwan Special Officer, Auqaf, Jammu.
11. Sudershan Kumar Kapoor. Principal, RTI, Jammu.
12. Mushtaq Ahmad Beigh Assistant Commissioner, Revenue, Pulwama.
13. Mohd. Rajab Bhat, O/o GAD, Wanbug, Tehsil and District Pulwama.
14. Tsering Marup Chief Executive Officer, Tourism Development Authority, Leh.
15. Riyaz Ahmad Choudhary, Assistant Commissioner Development/Project Officer, Wage Employment, Doda.
16. Romesh Chander Sharma, S/o Late Sh. Bua Ditta. R/o H. No. 335, Sector-01, Channi Himmat, Jammu.
17. Mohd. Abdullah Dar R/o Bagh-e-Mehtab, TEhsil Budgam, Srinagar.
18. S.C. Sharma, Assistant Commissioner Development/Project Officer, Wage Employment, Rajouri.
19. Tasaduq Jeelani Deputy Excise Commissioner, (Executive), Kashmir.

20. Gazanfer Ali, Secretary, J&K State Social Welfare Advisory Board, Srinagar.
21. Mrs. Tsewang Dolma, Assistant Commissioner, Revenue, Leh.
22. Tsering Narboo Sub-Divisional Magistrate, Khaltsi, Kargil
23. G.R. Badana R/o Kite Colony, Old Airport Road, Gogo Lane, Rangreeth Srinagar.
24. Mohd Amin Khan Villagae Ranbirpura Mattan, District Anantnag, Srinagar.
25. M.L. Mantoo, S/o Sh. Ram Chand Mantoo H.No. 148-Y, Govt. Flats, Poonch House, Jammu.
26. B.A. Masoodi, Deputy Director, Social Welfare, ICDS, Kashmir.
27. Veer Ji Hangloo Development Officer, J&K Workmen's Development Corporation, Jammu.
28. Smt. Bimal, Deputy Director, Hospitality & Protocol (Stores), Jammu.
29. Abdul Aziz Bhat Assistant Commissioner Development, Srinagar/Ganderbal.
30. Abdul Rashid Shah R/o Mohall Kanipeer, Hazarbal, Srinagar.
31. Shakeel Ahmad Teng Deputy Director, PR (Urdu Wingh), Information Department, Srinagar
32. Abdul Rashi War, Deputy Director, Estates, Kashmir.
33. Rahul Sharma, Assistant Chief Executive Officer, SMVDSB, Katra.
34. Narinder Singh Bali Chief Executive Officer, Jammu Urban Development Agency.
35. Aijaz Ahmad Bhat. Project Officer, Self Employment, Srinagar/Ganderbal.
36. Hashmat Ali Yatoo Revenue Attorney with Divisional Commissioner, Kashmir.
37. Choudhary Rashid Azam Inqlabi Deptuy Secretary to Government, School Education Department, Sringar.
38. Majid Khalil Ahmad Drabu Deputy Secretary to Government, Power Development Department (HRM Branch), Srinagar
39. Mohammd Akbar Wani Project Officer, Wage Employment Pulwama.
40. Bashir Ahmad Najar, Deputy Secretary to Government, Social Welfare Department, Srinagar.
41. Mufti-M-Fareed-ud-din General Managar, DIC, Srinagar.
42. Mohd. Yaseen Khan, Deputy Director, Information (PR), Civil Secretariat, Srinagar.
43. Mrs. Shahida Mustafa, R/o Yum Berzala, Opp. Panchayat Ground, Umar Heir Buchpora, Civil Sectt. Srinagar.
44. Shiv Kumar Sharma, R/o H.No. 409, Sector-4, Channi Himmat, Jammu.
45. M.K. Raina, R/o Rajpura, Mangotrian, Opposite Dewan Public School Shakti Nagar, Jammu.
46. Shiekh Arshad Ayub Deputy Secretary to Government, General Administration Department Srinagar.

47. Nasir Ahmad Naqash Awaiting Orders of Posting in the General Administration Department, Civil Secretariat, Srinagar.
48. Rajesh Sharma, Assistant Commissioner, Relief Organization (Migrants), Jammu.
49. Farooq Ahmad Shah, Collector, Land Acquisition, Poonch/Rajouri.
50. Mrs. Babilia Rakwal, Deputy Secretary to Government Health and Medical Education Department (HRM Branch), Civil Secretariat, Srinagar.
51. Reyaz Ahmad, Personnel Officer, Associated Hospitals, Srinagar.
52. Anil Koul, Collector, Land Acquisition Defence, Udhampur.
53. Mrs. Shabnam Shah Kamili, Deputy Secretary to Government General Administration Department.
54. Dr. Ghulam Nabi Ittoo Special Assistant to Hon'ble Minister for Social Welfare, ARI and Trainings and Public Grievances, Srinagar.
55. Ravinder Kumar Bhat, Assistant Commissioner, Revenue, Budgam.
56. Mrs. Rachna Sharma, Development Officer, Handicrafts, Jammu.
57. Ms. Leena Padha Deputy Secretary to Government, General Administration Department, Civil Secretariat, Srinagar.
58. Mrs. Kusum Badyal Collector, Power Grid Corporation of India, Jammu.
59. Rajinder Singh Tara Deputy Secretary to Government, Housing and Urban Development Department, Srinagar.
60. Mrs. Vivek Sharma Assistant Commissioner (General), Jammu.
61. Mohmmad Hussain Mir Secretary, Lakes and Waterways Development Authority, Srinagar.
62. Tariq Hussain Ganai, Awaiting Orders of posting in the General Administration Department, Srinagar.
63. Munir-ul-Islam Assistant Commissioner, Revenue Ganderbal (under orders of posting as Assistant Commissioner (Central) with Divisional Commissioner, Kashmir.
64. Showkat Aijaz Bhat Deputy Commissioner, Commercial Taxes, Headquarter, Srinagar.
65. Gulzar Ahmad Dar, Deputy Secretary, J&K Public Service Commission, Srinagar.
66. Arvind Kotwal, Deputy Director, Tourism, Jammu.
67. Abdul Rashid Bhat, C/o Commissioner/Secretary, GAD, Civil Secretariat, Srinagar.
68. Mohammad Harun Malik, Collector, Land Acquisition, Lakes and Waterways Development Authority, Srinagar (under orders of posting as Assistant Commissioner, Revenue Ganderbal).
69. Nisar Ahmad Wani, Special Assistant to Hon'ble Minister to State for Haj and Auqaf, Fisheries, Social Welfare, Rural Development La and Parliamentary Affairs, Animal Husbandry and Hospitality and Protocol, Civil Secretariat, Srinagar.
70. Ali Afsar Khan, Deputy Secretary to Government, Home Department, Srinagar.

71. Ghulam Rasool Mir, Deputy Secretary to Government, General Administration Department, Srinagar.
72. Jatinder Singh Assistant Commissioner (Central) with Divisional Commissioner, Jammu.
73. Dr. Ravi Shanker Sharma, Special Assistant to Hon'ble Minister for Revenue , Relief and Rehabilitation, Srinagar.
74. Sajjad Hussain Ganai Programme Officer, ICDS Projects, Anantnag.
75. Mrs. Anoo Malhotra, Deputy Commissioner, Commercial Taxes (Appeals), Jammu.
76. Shamim Ahmad, Deputy Commissioner,Commercial Taxes(Audit), Kashmir.
77. Mrs. Nitu Gupta, Deputy Director, (Administration) in the Directorate of Social Welfare, Jammu.
78. Prediman Krishan Bhat, Deputy Commissioner, Commercial Taxes (Audit), Jammu,
79. Mrs. Anuradha Rani, Deputy Registrar, J&K Special Tribunal.
80. Pankaj Magotra Deputy Secretary in the Government's Secretariat, Srinagar.
81. Tariq Ahmad Zargar Assistant Commissioner, Development, Kupwara.
82. Manohar Lal Raina Project Officer, Wage Employment, Jammu.
83. Ghulam Mohd. Dar, Administrative Officer, J&K Economic Reconstruction Agency, Srinagar.
84. Manmohan Singh, Deputy Excise Commissioner, (Executive)Jammu.
85. Ashok Kumar Pandita Deputy Director, CA&PD, Jammu.
86. Reyaz Ahmad Wani C/o Commissioner /Secretary, GAD, Civil Secretariat, Srinagar.
87. Manzoor Ahmad Bhat Deputy Director in the Directorate of Rural Development, Kashmir.
88. Ravinder Nath Sadhu Collector, Land Acquisition, HEP, Baghilar.
89. Manzoor Ahamd Qadri Sub-Divisional Magistrate, Uri.
90. Raman Kumar Kesar Project Officer, Water shed, Doda.
91. Asgar Hussain Private Secretary to Hon'ble Chief Minister, Srinagar.
92. Basir Ahmad Khan Secretary, J&K Housing Board, Srinagar.
93. Khalid Jahangir Additional Private Secretary to Hon'ble Union Minister of Health and Family Welfare, Srinagar.
94. Mrs. Manisha Sareen, Programme Officer (ICDS), Jammu.
95. Mohd. Ishaq Shah Deputy Secretary, J&K Public Service Commission, Srinagar.
96. Ajay Kumar, Deputy Director, Tourism, Jammu.
97. Mrs. Deepika Kumari Sharma, Programme Officer, ICDS Projects, Leh.
98. Ajay Abdullah Saraf Assistant Commissioner, Revenue, Kupwara (with additional charge of Assistant Commissioner, Revenue, Handwara).
99. Pawan Singh Rathore, Project Officer, Water-shed, Poonch.
100. Mohd. Rafi Special Assistant to Hon'ble Minister for Forests, Ecology and Environment, Srinagar.

101. Shahnawaz Bukhari, C/o Commissioner/Secretary, GAD, Civil Secretariat, Srinagar.
102. Mehraj-ud-Din Rather, Programme Officer, ICDS, Projects, Srinagar.
103. Kishore Singh Chib, Special Assistant to Hon'ble Minister for School Education and Public Enterprises, Srinagar.
104. Shahbaz Ahmad Mirza, Assistant Commissioner, Revenue, Rajouri.
105. Mrs. Rubeena Kounser, Deputy Director (Administration)in the Directorate of Social welfare, Kashmir.
106. Mussarat Islam Soharwardy, Special Assistant to Hon'ble Minister of State for Health and Urban Development, PHE, Tourism, Revenue and Relief and Home, Srinagar.
107. Mohinder Singh, Chief Executive Officer, Tourism Development Authority, Surinsar-Mansar.
108. Dr. Firdous Ahmad Giri, Deputy Secretary to Government Finance Department, Civil Sectt. Srinagar.
109. Mohammad Yousuf Mir, Sub-Divisional Magistrate, Karnah-Tangdar, Srinagar.
110. Mohd. Younis Malik, Special Assistant to Hon'ble Minister for Rural Development Panchayats, Law, Justice and Parliamentary Affairs, Civil Secretariat, Srinagar.
111. Surat Singh, Collector, Swalakote, Hydroelectric Project, Ramban.
112. Ms. Shubra Sharma, Personnel Officer, Associated Hospitals, Jammu.
113. Mrs. Malhotra Masoom, Secretary, Srinagar, Development Authority, Srinagar.
114. Shiv Kumar Gupta, Regional Transport Officer, Kathua.
115. Qazi Sarwar, Assistant Commissioner, Development/Project Officer, Wage Employment, Budgam,
116. Vikash Sharma, Deputy Chief Executive Officer, Shri Mate Vaishno Devi Shrine Board, Katra.
117. Mrs. Indu Kanwal, Awaiting Orders of posting in the General Administration Department, Civil Secretariat, Srinagar.
118. Mohd. Shafiq Chak, Assistant Commissioner, Revenue, Srinagar.
119. Mustaq Ahamd, Deputy Excise Commissioner, (Distelleries), Jammu.
120. Tej Krishan Bhat, Special Assistant to Hon'ble Minister for Technical Education, Youth Services, Sports, and Medical Education, Srinagar.
121. Manzoor Ahmad Sofi Project Officer, Wage Employment, Anantnag.
122. Abdul Salam Mir, Executive Officer, J&K State Haj Committee,Srinagar.
123. Dara Singh Kotwal, Project officer, Self Employment, Samba.
124. Subhash Chander Chibber, Deputy Secretary to Government, Home Department, Srinagar.
125. Nazir Ahmad Khawaja, Programme Office, ICDS, Projects, Budgam.
126. Shafqat Iqbal, Deputy Director, Consumer Affairs and Public Distribution (Supplies), Kashmir.
127. Om Prakash, Deputy Secretary, J&K Public Service Commission, Srinagar.

128. Imam Din, Secretary, J&K Services Selection Board, Srinagar.
129. Moses Kunzang, Project Officer, DRDA, Leh.
130. Ramesh Chander, Collector, J&K Housing Board, Jammu.
131. Mrs. Suraia Jabeen, Project Officer, Self Employment Anantnag.
132. Reyaz Ahmad Sofi Project Officer, Self Employment Anantnag.
133. Showkat Hussain Kazmi, Principal, Excise and Taxation Training Institute, Nagrota, Jammu.
134. Ram Sevak, Deputy Secretary in the Chief Minister's Secretariat, Srinagar.
135. Raj Kumar Katoch, Secretary, J&K Women's Development Corporation, Jammu.
136. Nazir Ahamad Baba, General Manager, DIC, Baramulla.
137. Musheer Ahmad, General Manager, DIC, Rajouri.
138. Mrs. Riffat Kohli, General Manager, DIC, Jammu.
139. Kalyan Singh, Chief Executive Officer, Tourism Development Authority, Bhaderwah.
140. Mohd. Nazir Sheikh, Project Officer, DPAP, Udhampur.
141. Ajesh Kuma, Deputy Director, CA&PD, Poonch, Rajouri with Hqr. At Rajouri.
142. Mohammad Saleem, Project Officer, Wage Employment, Ramban.
143. Choudhary Mohammad Rashid, Project Officer, Wage Employment, Poonch
144. Mohammad Mumtaz Ali, Deputy Secretary to Government, Forest Department, Civil Secretariat, Srinagar.
145. Mohammad Hanief Malik, Deputy Director in the Directorate of CA&PD, Jammu.
146. Sudershan Kumar Secretary, Jammu Municipal Corporation, J&K, Jammu.
147. Rakesh Kumar Sarangal, Deputy Director, Local Bodies, Jammu.
148. Mohammad Shahid Saleem Dar, Deputy Secretary to Government, General Administration Department, Civil Secretariat, Srinagar.
149. Secretary, Department of Personnel and Training, Govt. of India, Delhi.
150. Secretary, Union Public Service Commission, Dholpur House, New Delhi.

..Respondents

TA No. 3462/2020

1. Abdul Salam Mir, aged 48 years, Son of Abdul Rehman Mir, Resident of Dawar Gurez (ST)
2. Shafqat Iqbal, aged 40 years, Son of Mohammd Nazir Khan Resident of Dawaran Mohora Uri (RBA).

3. Nazir Ahmad Khawaja, aged 46 years, Son of Mohi-Bulla Khawaja R/o Jum-Gund Hali Zirhama Kupwara (RBA).

...Applicants.

Versus

1. State of Jammu and Kashmir through Chief Secretary to J&K Government, Civil Secretariat, Srinagar/Jammu.
2. Shri Madhav Lal, IAS, Chief Secretary, J&K State.
3. Commissioner/Secretary to Government, GAD (Sgr)
4. Shri M.S. Khan, IAS, Commissioner/Secretary, GAD (J&K).
5. Secretary to Govt. Law Deptt. Civil Sectt. Sgr.
6. Mr. G.H. Tantray, IAS, Secretary to Government, Law Department, Civil Secretariat Srinagar/Jammu.
7. Mr. Shakeel Ahmad Teng, KAS, Deputy Director, PR (Urdu Wing) Information Department.
8. Mr. Abdul Rashid War, KAS, Deputy Director, Estates, Kashmir.
9. Mr. Mufti M-Fareed-ud-Din, KAS, General Manager, DIC, Srinagar.
10. Dr. Ghulam Nabi Itoo, KAS, Special Assistant to Hon'ble Minister for Social Welfare, ARI and Trainings and Public Grievances. (Sgr)
11. Mr. Tariq Hussain Ganai, KAS, awaiting orders of adjustment in GAD (Sgr)
12. Mr. Gulzar Ahmad Dar, KAS, Deputy Secretary, J&K PSC (Sgr)
13. Mr. Arvind Kotwal, KAS, Deputy Director, Tourism, Jammu.
14. Mr. Ali Afsar Khan, KAS, Deputy Secretary to Government, Home Department, Civil Sectt. Sgr.
15. Mr. Ghulam Rasool Mir, KAS, Deputy Secretary to Government, GAD, Civil Sectt. Sgr.
16. Mr. Ravi Shankar Sharma, KAS, Special Assistant to Minister for Revenue, Relief and Rehabilitation (J&K).
17. Mr. Pankaj Magotra, KAS, Deputation Secretary in the Governor's Secretariat (J&K)
18. Mr. Ashok Kumar Pandita, KAS, Deputy Director, CAPD, Jammu.
19. Mr. Reyaz Ahmad Wani, KAS at present under suspension, C/o GAD, Civil Sectt. Srinagar/Jammu.
20. Mr. Manzoor Ahmad Bhat, Deputy Director in the Directorate of Rural Development, Kashmir.
21. Mr. Asgar Hussain, KAS, Private Secretary to Chief Minister, Civil Secretariat, Srinagar/Jammu.
22. Smt. Manisha Sareen, KAS, Programme Officer (ICDS), Jammu.
23. Mr. Mohamad Ishaq Shah, KAS, Deputy Secretary, J&K PSC.
24. Mr. Ajay Kumar, KAS, Deputy Director, Tourism, Jammu.

25. Mr. Mehraj-ud-Din Rather, KAS, Special Assistant to Minister for School Education.
26. Mussarat Islam Soharwardy, KAS, Special Assistant to Minister of State for Housing and Urban Development, PHE, Tourism, Revenue, Relief and Home.
27. Mr. Mohinder Singh, KAS, CEO, Tourism Development Authority, Surinsar-Mansar.
28. Mr. Firdous Ahamd Giri, KAS, Deputy Secretary to Government, Finance Department.
29. Mr. M. Yousuf Mir, KAS, SDM, Karnah Tangdar.
30. Mr. M. Younis Malik, KAS, Sp. Asstt. To Minister for Rural Dev. Panchayats, Law, Justice and Parliamentary Affairs.
31. Mr. Qazi Sarwar, KAS, Assistant Commissioner Dev./Project Officer, Wage Employment, Budgam.
32. Mr. Vikash Sharma, KAS, Dy. CEO, SMVDSB, Katra.
33. Mr. Indu Kanwal, KAS, at present awaiting orders of adjustment in GAD (J&K).
34. Mr. Subash Chander Chibber, KAS, Deputy Secretary to Government, Home Department.
35. Mr. Khursheed Ahmad Sanai, KAS, at present under suspension C/o GAD, (J&K).
36. Mr. Imam Din, KAS, Secretary, J&K Services Selection Board.
37. Moses Kunzang, KAS, Project Officer, DRDA, Leh.
38. Mr. Reyaz Ahmad Sofi, KAS, Project Officer, Self Employment, Anantnag.
39. Mr. Bashir Ahmad Wani, KAS, Assistant Commissioner (Nazool), Srinagar.
40. Mr. Ram Sevak, KAS, Deputy Secretary in the Chief Minister's Secretariat.

....Respondents

T.A. No. 3467/2020

1. Tanveer Iqbal, aged 51 years, Son of Shri Noor Allahi, R/o Jalalbad, Sunjwan, Jammu.
2. Smita Seth, Aged 39 years, W/o Sh. B.L. Saini, R/o 235, Sector-A Sanik Colony, Jammu.
3. Inderjeet, aged 41 years, Son of Shri A.R. Bhagat, R/o H.No. 1, Lane No. 8 Hazuri Bagh Talab Tillo Bohri, Jammu.
4. Nawab Din, aged 46 years, S/o Sh. Baqqar Din, R/o H.No. 350 W. No. 5 Behind SBI Udhampur.
5. Dr. Bharat Bhushan aged 46 years, S/o Sh. Somraj, R/o W No. 6 Kathua.
6. Dr. Nirupa Rai, aged 46 years w/o Dr. Ravi Kumar Bharti R/o HNO: 106 Roopnagar Enclave Lane 2/2 Roopnagar, Jammu.

7. Suraiya Jabeen, aged 47 years, wife of Dr. Nissar Choudhary, R/o H.No. 41/B Channi Himmat, Jammu.
....Applicants

Versus

1. State of Jammu & Kashmir, through Chief Secretary, Civil Secretariat, Srinagar/Jammu.
2. Commissioner/Secretary to Govt. General Administration Department, Civil Secretariat, Srinagar/Jammu.
3. Hashmat Ali Khan, Principal Private Secretary to Chief Secretary, Civil Secretariat, Srinagar.
4. Amit Sharma, Sub Divisional Magistrate, Dudu Basantgarh.
5. Nazim Zai Khan, Deputy Secretary, Information Technology Deptt. Civil Sectt. Srinagar.
6. Bashir Ahmad Dar, Assistant Commissioner, Revenue, Shopian.
7. Shakeel-ul-Rehman Rather, Spl. Assistant to Hon'ble Finance Minister, Civil Secretariat, Srinagar.
8. Pradeep Kumar, Deputy Secretary, Public Works (R&B) Deptt. Civil Secretariat, Srinagar.
9. Bikram Singh Jamwal, Assistant Commissioner (Vig) State Vigilance Organization, Jammu.
10. Javed Iqbal Balwan, Special officer, Auqaf Jammu,
11. Sudershan Kumar Kapoor, Principal, RTI, Jammu.
12. Mushtaq Ahmad Beigh, Assistant Commissioner, Revenue, Pulwama.
13. Mohd. Rajab Bhat, Wanbug, Tehsil & District Pulwama.
14. Tsering Marup, Chief Executive Officer, Tourism Dev. Authority, Leh.
15. Riyaz Ahmad Choudhary, Assistant Commissioner Dev. Project Officer Wage Employment Doda.
16. Romesh Chander Sharma R/o H. No. 335, Sector 01 Channi Himmat Jammu.
17. S.C. Sharma, Assistant Commissioner Development/Project Officer, Wage Employment, Rajouri.
18. Mohd. Abdullah Dar, R/o Bagh-E-Mehtab, Tehsil Budgam Srinagar.
19. Tasaduq Jeelani, DY. Excise Commissioner (Executive) Kashmir.
20. Gazanfer Ali, Secretary, J&K State Social Welfare Advisory Board, Jammu.
21. Mrs. Tswang Dolma, Assistant Commissioner, Revenue, Leh.
22. Tsering Narboo, Sub Divisional Magistrate, Khaltsi, Kargil.

23. G R Badana, R/o Kite Colony Old Air Port Road, Gogo Lane Rangreth Srinagar.
24. Mohd Amin Khan, R/o Village Ranbirpora Mittan, Dist Anantnag, Srinagar.
25. M.L. Mantoo, S/o Sh. Ram Chand Mantoo, H. No. 148-Y, Govt. Flats C/o Poonch House, Jammu, C/o GAD.
26. B.A. Massodi, O/o Deputy Director, Social Welfare, ICDS, Kashmir.
27. Veer Ji Hangloo, O/o Development Officer, J&K Women's Development Corp, Jammu.
28. Bimla Saraf, O/o Deputy Director, Hospitality & Protocol (Stores) Jammu.
29. Abdul Aziz Bhat, O/o Assistant Commissioner Dev. Srinagar/Ganderbal.
30. Abdul Rashid Shah-I, R/o Moh, Kanipeer Hazartbal Srinagar.
31. Shakeel Ahmad Tang, O/o Deputy Director, PR (Urdu Wing), Information Department, Srinagar.
32. Rahul Sharma, O/o Assistant Chief Executive Officr, SMVDSB, Katra.
33. Narinder Singh Bali, O/o Chief Executive Officer, Jammu Urban Dev. Agency.
34. Narinder Singh Bali, Chief Executive Officer, Jammu Urban Development Agency.
35. Aijaz Ahmed Bhat, Project Officer, Self Employment Srinagar/Ganderbal.
36. Hasmat Ali Yatoo, Revenue Attorney with Divisional Commissioner, Kashmir.
37. Choudhary Rashid Azam Inqalabi, Dy. Secretary to Govt. School Education Department, Civil Secretariat, Srinagar.
38. Majid Khalil Ahmad Brabu, Dy. Secretary to Govt. Power Development Deptt. (HRM Branch) Civil Secretariat, Srinagar.
39. Mohammd Akbar Wani, Project Officer, Wage Employment Pulwama.
40. Bashir Ahmed Najar, Dy. Secretary, Social Welfare Department, Civil Secretariat, Srinagar.
41. Mufti M Fareedoud-Din General Manager, DIC, Srinagar.
42. Mohammad Yaseen Khan, Dy. Director Information (PR) Srinagar.
43. Mrs. Shahida Mustafa, R/o Yum Berzala Opp. Panchayat Ground Umar Heir Buchpora Srinagar.
44. Shiv Kumar Sharma, R/o H.No. 409 Sector 4 Channi Himmat, Jammu.

45. Sheik Arshad Ayub, Dy. Secretary to Government, General Administration Deptt. Civil Secretariat, Srinagar.
46. Nasir Ahmad Naqash, O/O General Administration Deptt. Civil Secretariat, Srinagar.
47. Rajesh Sharma, Assistant Commissioner, Relief Organization (Migrants) Jammu.
48. Farooq Ahmed Shah, Collector, Land Acquisition, Defence, Poonch/Rajouri.
49. Mrs. Babilia Rakhwal, Dy. Secretary to Govt. Health & Medical Education Deptt. Civil Secretariat, Srinagar.
50. Reyaz Ahmad, Personnel Officer, Associated Hospitals, Srinagar.
51. Anil Koul, Collector, Land Acquisition, Defence, Udhampur.
52. Shabnam Shah Kamili, Dy. Secretary, General Administration Deptt. Civil Secretariat, Srinagar.
53. Dr. Ghulam Nabi Itoo, Special Assistant to Hon'ble Minister for Social Welfare Art & Training & Public Grievances, Civil Sectt. Srinagar.
54. Ravinder Kumar Bhat, Assistant Commissioner, Revenue, Budgam.
55. Mrs. Rachna Sharma, Development Officer, Handicrafts, Jammu.
56. Ms. Leena Padha, Deputy Secretary to Govt. General Administration Deptt, Civil Secretariat, Srinagar.
57. Mr. Kusum Badyal, Collector, Power Grid Corporation, Jammu.
58. Rajinder Singh Tara, Dy. Secretary to Govt. Housing & Urban Development Department, Civil Sectt. Srinagar.
59. Mrs. Vivek Sharma, Assistant Commissioner General, Jammu.
60. Mohammad Hussain Mir, Secretary, Lakes & Waterways Development Authority, Srinagar.
61. Tariq Hussain Ganai, O/o General Administration Deptt Civil Sectt. Srinagar.
62. Munir-ul-Islam, Assistant Commissioner, Revenue Ganderbal.
63. Showkat Aijaz Bhat, Dy. Commissioner, Commercial Taxes (headquarters), Old Secretariat, Srinagar.
64. Gulzar Ahmed Dar, Dy. Secretary, J&K PSC Polo View Srinagar.
65. Arvind Kotwal, Deputy Director Tourism, Jammu.
66. Abdul Rashid Bhat, Under Suspension, C/o GAD Civil Sectt. Srinagar.
67. Mohammad Haraun Malik, Collector, Land Acquisition Lakes and Waterways Development Authority, Srinagar.
68. Nisar Ahmad Wani, Special Assistant to Hon'ble Minister of State for Haj and Auqaf Fisheries, Social Welfare Rural Development, Civil Sectt. Srinagar.
69. Ali Afsar Khan, Dy. Secretary to Govt. Home Department, Civil Sectt. Srinagar.
70. Ghulam Rasool Mir, Dy. Secretary to Govt. General Administration Deptt. Civil Secretariat, Srinagar.

71. Jatinder Singh, Assistant Commissioner (Central), with Divisional Commissioner, Jammu.
72. Dr. Ravi Shankar Sharma, Special Assistant to Hon'ble Minister for Revenue, Relief and Rehabilitations, Civil Secretariat, Srinagar.
73. Sajjad Hussain Ganai, Programme Officer, ICDS Projects, Anantnag.
74. Mrs. Anoo Malhotra, Dy. Commisioner, Commercial Taxes (Appeals) Jammu.
75. Shamim Ahmed, Dy. Commissioner, Commercial, Taxes (Audit) Srinagar Kashmir.
76. Mrs. Nitu Gupta, Dy. Director, (Adminitration) Social Welfare Jammu.
77. Prediman Krishan Bhat, Dy. Commissioner, Commercial Taxes (Audit) Jammu.
78. Mrs. Anuradha Rani, Dy. Registrar, Special Tribunal, J&K Jammu.
79. Pankaj Magotra, Dy. Secretary, Governor's Secretariat, Rajbhawan Srinagar.
80. Tariq Ahmed Zargar, Assistant Commissioner, Development Kupwara.
81. Manohar Lal Raina, Project Office, Wage Employment, Jammu.
82. Ghulam Mohd Dar, Administrative Officer, ERA, Srinagar.
83. Manmohan Singh, Dy. Excise Commissioner (Executive) Jammu.
84. Ashok Kumar Pandita, Deputy Director, CA&PD Jammu.
85. Reyaz Ahmed Wani, O/o General Administration Deptt. Civil Sectt. Srinagar.
86. Manzoor Ahmed Bhat, Dy. Director, Directorate of Rural Development Kashmir.
87. Ravinder Nath Sadhu, Collector Land Acquisition HEP Baghliar.
88. Manzoor Ahmed Qadri, Sub Divisional Magistrate, URI
89. Raman Kumar Kesar, Project Officer, Water-Shed, Doda.
90. Asgar Hussain, Private Secretary to Hon'ble Chief Minister, Civil Sectt. Srinagar.
91. Bashir Ahmed Khan, Secretary J&K Housing Board, Jammu.
92. Khalid Jahangir, Additional Private Secretary to Hon'ble Union Minister for Health & Family Welfare, New Delhi.
93. Mrs. Manisha Sareen, Programme Officer, ICDS Jammu.
94. Mohd. Ishaq Shah, Dy. Secretary, J&K PSC Polo View, Srinagar.
95. Ajya Kumar, Dy. Director, Tourism, Jammu.
96. Deepika Kumar Sharma, Programme Officer, ICDS Project Leh.
97. Ajaz Abdullah Saraf, Assistant Commissioner, Kupwara.
98. Pawan Singh Rathore, Project Officer, Water Shed, Poonch.
99. Mohd. Rafi, Special Assistant to Hon'ble Minister for Forest Ecology and Environment, Civil Sectt. Srinagar.

100. Shahnawaz Bhukari, C/o General Administration Deptt. Civil Sectt. Srinagar.
101. Mehraj-ud-Din Rather, Programme Officer, ICDS Project Srinagar.
102. Kishore Singh Chib, Special Assitant to Hon'ble Minister for School Education & Public Enterprises, Civil Sectt. Srinagar.
103. Shahbaz Ahmad Mirza, Assistant Commissioner, Revenue, Rajouri.
104. Mrs. Rubeena Kounser, Dy. Director (ADM) Directorate of Social Welfare Kashmir.
105. Mussarat Islam Soharwardy, Spl. Asstt to Hon'ble Minister for Housing and Urban Dev. PHE, Tourism Revenue and Relief and Home Civil Sectt. Srinagar.
106. Mohinder Singh, CEO Tourism Dev. Authority, Surinsar-Mansar.
107. Dr. Firdous Ahmad Giri, Dy. Secretary to Govt.. Finance, Civil Sectt. Srinagar.
108. Mohammad Yousuf Mir, SDM, Karnah Tangdar.
109. Mohd. Younis Malik, Spl. Assistant to Hon'ble Minister for Rural Dev. Panchayats, Law Justice & Parliamentary Affairs, Civil Sectt. Srinagar.
110. Surat Singh, Collector, Swalakote, Hydro Electric Project, Tehsil & District Srinagar.
111. Ms. Shubra Sharma, Personnel Officer, Associated Hospital, Jammu.
112. Mrs. Mathora Masoom, Secretary, Srinagar Dev. Authority, Srinagar.
113. Shiv Kumar Gupta, RTO, Kathua.
114. Qazi Sarwar, Assistant Commissioner Dev./Project Officer Wage Employment Budgam.
115. Vikash Sharma, Dy. Chief Executive Officer, Shri Mata Vaisno Devi Shrine Board, Katra.
116. Mrs. Indu Kanwal, o/o GAD, Civil Sectt. Srinagar.
117. Rajes Kumar Shavan, Assistant Commissioner (REV), Kishtwar.
118. Mohd. Shaif Chak, Assistant Commissioner (REV), Srinagar.
119. Mushtaq Ahmed, Deputy Excise Commissioner, (Distilleries), Jammu.
120. Tej Krishan Bhat, Spl. Asstt to Hon'ble Minister for Technical Education, Youth Services, Sports & Medical Education, Civil Sectt, Srinagar.
121. Manzoor Ahmed Sofi, Project Officer, Wage Employment, Anantnag.
122. Abdul Salam, Executive Officer, J&K State Haj Committee, Srinagar.
123. Dara Singh Kotwal, Project Officer, Self Employment Samba.
124. Subhash Chander Chibber, Dy. Secretary to Govt. Home Deptt, Civil Sectt. Srinagar.

125. Nazir Ahmed Khawaja, Programme Officer, ICDS, Budgam.
126. Shafqat Iqbal, Dy. Director, CA&PD Kashmir.
127. Om Prakash, Dy. Secretary J&K PSC Srinagar.
128. Imam Din, Secretary, J&K SSB Srinagar.
129. Moses Kunzang Project Officer, DRDA Leh.
130. Ramesh Chander, Collector, J&K Housing Board, Jammu.
131. Reyaz Ahmad Sofi, Project Officer, Self Employment, Anantnag.
132. Showkat Hussain Kazmi, Principal E&T Training Institute, Nagrota, Jammu.
133. Ram Savak, Dy. Secretary CM Sectt. Civil Sectt. Srinagar.
134. Raj Kumar Katoch, Secretary, J&K Women De. Corp, Jammu.
135. Nazir Ahmed Babab, General Manager, DIC Baramulla.
136. Mukhtar Ahmed Choudhary, Under Suspension, O/o GAD, Civil Sectt. Srinagar.
137. Musheer Ahmad, General DIC, Rajouri.
138. Mrs. Rifat Kohli, General Manager, JKTDC, Jammu.
139. Kalyan Singh, Chief Executive Officer, Tourism Dev. Authority, Bhaderwah.
140. Mohd. Nazir Sheikh, Project Officer, Udhampur.
141. Ajesh Kumar, Dy. Director, CA&PD Poonch.
142. Mohammad Saleem, Project Officer, Wage Employment, Ramban.
143. Choudhary Mohammad Rashid, Project Officer, Wage Employment, Poonch.
144. Mohammad Mumtaz Ali, Dy. Secretary to Govt. Forest Deptt. Civil Sectt. Srinagar.
145. Mohammad Haief Malik, Dy. Director, CAPD, Jammu.
146. Sudharshan Kumar, Secretary, Municipal Corporation, Jammu.
147. Abdul Hamid, General Manager, DIC, Poonch.

....Respondents

TA No. 3481/2020

1. Mohammad Ishaq Shah; aged : 54 years S/o Ghulam Rasool Shah R/o Razwalpora Rafiabad, Baramulla.
2. Pankaj Magotra, aged: 42 years S/o Sh. Ved Parkash Magotra R/o 571-A, Gandhi Nagar, Jammu.

....Applicant.

Versus

1. State of Jammu and Kashmir through Chief Secretary Civil Secretariat, Jammu.
2. Commissioner-cum-Secretary to Government, General Administration Department, Jammu and Kashmir Government, Civil Secretariat, Jammu.
3. Sh. Showket Hussain Kazmi S/o Sh. Mehtab Shah R/o Village Sathra P.O. Sathra District Poonch.
4. Smt. Anu Radha, W/o Dr. R.K. Gupta R/o Flat No. I-C, Pocket-6 Housing Board Flats Channi Himmat, Jammu.
5. Sh. Mushtaq Ahmed, S/o Shoudhary Noor Hussain R/o Khrara Madhana Tehsil and District Samba.
6. Sh. Om Prakash S/o Sh. Krishan Lal Bhagat R/o Nai Basti Tehsil and District Reasi.
7. Sh. Romesh Chander, S/o Sh. Sansar Chand R/o H.No. 9 VPO Muthi Near KC Doors Tehsil and District Jammu.
8. Mohd. Hanief Malik S/o Sh. Barkat Ali Malik, R/o Village Latti Tehsil Ramnagar District Udhampur.
9. Sudarshan Kumar S/o Sh. Shanker Dass R/o VPO Pilanwal Tehsil Akhnoor District Jammu.
10. Sh. Dara Singh, S/o Sh. Mansa Ram R/o Chawni Tehsil Gandoh District Doda.
11. Sh. Rakesh Sarangal S/o Sh. Lashman Dass R/o H.No. : 165 Sector-3, Channi Himmat Jammu.
12. Sh. Mushir Ahmed, S/o Sh. Mohd. Dil Pazir, R/o Madina Colony, Rajouri.
13. Sh. Tanveer Iqbal S/o Sh. Noor Allahi R/o Jalalbad Sunjwan Jammu.
14. Smt. Smita Sethi, W/o Sh. B.L. Saini, R/o 235 Sector A Sainik Colony Jammu.
15. Sh. Inderjeet S/o Sh. A.R. Bhagat, R/o H.No.: 1 Lane No. 8 Hazuri Bagh Talab Tillo Bohri Jammu.
16. Sh. Nawab Din, S/o Sh. Baqqar Din, R/o H.No: 350 Ward No:5 Behind State Bank of India Udhampur.
17. Dr. Bharat Bhushan S/o Sh. Som Raj R/o Ward No. 6 Kathua
18. Dr. Nirupa Rai, W/o Dr. Ravi Kumar Bharti, R/o H. No. 106 Roop Nagar Enclave Lane 2/2 Roop Nagar Jammu.
19. Smt. Suraiya Jabeen, W/o Dr. Nissar Choudhary R/o H.No. 41/B Channi Himmat Jammu.
20. Sh. Ashok Kumar, S/o Sh. Kunda Ram, R/o Akhnoor Tehsil Akhnoor District Jammu.
21. Abdul Hamid, S/o Sh. Abdul Rehman, R/o Latti Tehsil Ramnagar District Udhampur.
22. Sh. Rajesh Shavan S/o Sh. Duni Chand R/o Thelara, Doda.
23. Sh. Babu Ram S/o Sh. Kashmir Chand, R/o Jodhpur, Doda.
24. Sh. Mukhtar Ahmed Choudhary S/o Sh. Talab Hussain R/o Palengar Thana Mandi Rajouri.

25. Sh. Mukhtar-ul-Aziz S/o Sh. Abdul Aziz, R/o Kathi Darwaza, Srinagar.
26. Sh. Abdul Salam Mir, S/o Sh. Abdul Rehman Mir, R/o Dawar, Gures.
27. Sh. Shafqat Iqbal, S/o Mohd. Nazir Khan, R/o Dawaran Mohora, Uri.
28. Sh. Nazir Ahmed Khwaja, S/o Mohi-Bulla Khawaja R/o Jum-Gund Hali, Zirhama, Kupwara.
29. Javed Iqbal Balwan
30. Rajinder Singh.
31. Bashir Ahmed Khan
32. Bikram Singh Jamwal
33. Jagdev Singh Mantos.
34. Sudershan Kumar Kapoor.

..Respondents.

For applicants: Sri R. A. Jan, learned senior advocate Sri Abhinav Sharma; Sri Samer Hassan, Sri Govind Raini, Sri Zaffar Shah, Sri M.Y.Bhat, Sri Vaibhav Gupta and Sri Rahul Pant,

For respondents: Sri Amit Gupta, learned Addl. Advocate General and Sri Rajesh Thapa & Sri Sudesh Magotra, Deputy Advocates General

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

The applicants in all the OAs and TAs, are appointed to the time scale of KAS at different points of time. The dispute pertaining to the fixation of their inter se seniority, became the subject matter of a long drawn litigation. It becomes necessary to refer to the brief history of these cases.

2. The Jammu and Kashmir Administrative Service (for short "KAS") was constituted in the year 1965. It comprises, of the officers of different stages beginning from Junior Scale and ending with Super Time Scale. The method of recruitment to service and other issues were provided under the 1965 Rules. They were replaced by the Jammu and Kashmir Administrative Service Rules 1979, published on 10.10.1979. According to these rules, the service comprises of (1) Super Time Scale; (2) Special Scale; (3) Selection Grade; (4) Time Scale; and (5) Junior scale.

3. As regards its pattern, it is almost on the lines of the Indian Administrative Service. The appointment to the Junior Scale is exclusively by direct recruitment. The appointment to Time Scale is by way of promotion. Rule 5 (3) provides for filling up of the 65% of the vacancies of the Time Scale posts occurring in

a calendar year, by promotion from departmental feeder services, which are about 16 in number. 10% of the vacancies are to be filled by promotion of officers of outstanding ability and merit, serving in connection with the affairs of the State, but not falling in the feeding services. The remaining 25% of the vacancies occurring in a calendar year are to be filled by promotion of the Junior Scale KAS Officers. Officers of feeding services are made eligible to be considered after completion of four years of service and subject to their vigilance clearance being available.

4. It is stated that the promotion to the time scale of KAS did not take place in the years 2004, 2005, 2006 and 2007 and vacancies referable to all these years were filled up only in the year 2008. Apart from the filling up of the vacancies referable to each year, the Government has also promoted about 49 officers, against leave vacancies.

5. The Government framed KAS Rules 2008, vide notification dated 01.12.2008, bringing about substantial changes in the Administrative Service, in the context of method of appointment and fixation of seniority and replacing the 1979 Rules. The substantial change was by way of introduction of a proviso to Rule11(3) of the 2008 Rules, which enables

utilization of leave and training resources. The second was in the form of Rule 15 (4), which stated that in case the select list cannot be prepared for the members of any departmental feeding service in any particular calendar year, despite availability of vacancies, the services of the members of such feeding services, though appointed at a later stage, would be reckoned from the date on which the vacancy was allocated to the concerned feeding service. A clause in the proviso was added to it, which is to the effect that the cases of persons appointed against the vacancies of 2004, 2005, 2006 and 2007, shall be reviewed, in terms of Sub-Rule (4), at a subsequent date.

6. The tentative seniority list of officers of Time Scale of KAS appointed between 01.01.2004 and 01.12.2008, as it stood on 01.01.2010, was notified on 21.04.2010, by and large in terms of Rule 15 (4) of the 2008 Rules. The result was that the officers, who are appointed a bit later, were placed above those, who were promoted earlier to them, on the ground that their cases were not considered at the relevant point of time when the vacancies were available, and thereby extending the benefit of Rule 15 (4) of the 2008 Rules. A large number of objections poured in. The common objection was that the seniority must be fixed with reference to the date of induction into service and

not earlier thereto. It was also pleaded that the seniority of the officers must be fixed, with reference to Rule 16 of the 1979 Rules.

7. Placed with the complex situation, the Government appointed a Committee, vide its orders dated 24.09.2020, to examine the issue of fixation of seniority of the members of the KAS appointed to the Time Scale.

8. The committee submitted its report dated 15.02.2011. The main recommendations of the committee were that –

- (a) the seniority must be fixed with reference to the 1979 Rules and not the 2008 Rules; and
- (b) the date of appointment/promotion to the service and not any other factor, must decide the seniority.

9. Some writ petitions were filed before the Hon'ble Jammu and Kashmir High Court, against the tentative seniority list. When the exercise was pending, the Hon'ble High Court passed certain interim order. Taking the report as well as interim order into account, the Government published a final seniority list dated 24.06.2011, revising the places of seniority reflected in the tentative seniority list and fixing the seniority on the lines indicated by the committee. A batch of writ

petitions was filed challenging the final seniority list dated 24.06.2011.

10. The applicants, who challenged the final seniority list, pleaded that the tentative seniority list was published strictly in accordance with the provisions of law, and in particular, Rule 15 (4) of 2008 Rules and that there was no basis to change it. They contended that though as many as 16 services were treated as feeder category, for promotion to Time Scale of KAS, the officers of some departments were not included in the panel, despite existence of vacancies, and the officers acquired eligibility. According to them, the rules contemplate equitable distribution of vacancies of the Time scale KAS, among various feeder categories and that the imbalance which arose on account of denial for consideration for certain categories, was sought to be corrected, through Rule 15 (4) of 2008 Rules. They submit that the Rule 15(4) and clause (i) of its proviso have a definite purpose to serve and address the issue pertaining to the officers, who are wronged earlier, and that there was no basis either for the committee or for the Government to take the view that the 2008 Rules do not apply for fixation of seniority of the officers appointed between 2004 and 2008.

11. Once there was a flood of writ petitions challenging the seniority list dated 24.06.2011, the Government has chosen to review the entire situation and accordingly appointed a committee, vide order dated 29.05.2020 to look into the various issues, and the committee in turn submitted its report. Taking the same into account, a further revised seniority list was published, vide G.O.No.749-JK (GAD), dated 05.08.2020. These orders are in challenge in two OAs i.e., O.A.Nos.924 and 925/2020, directly, and one TA indirectly. In TA.No.3481/2020, the applicant challenged the validity of Rule 15 (4) of 2008 Rules, and prayed for a direction to the respondents not to take any action under the said provision.

12. The applicants in the subsequent batch of cases contend that induction into Time Scale, takes place, for the first time by way of promotion, from the feeder category service, year after year, and the officers, so inducted, have invariably, to take their seniority, with reference to the places assigned to them by the DPC, coupled with the date of induction. According to them, no officer, who is inducted into KAS by way of promotion, can get the seniority referable to a date, anterior to the one, of his induction. It is also stated that the 2008 Rules, cannot have any bearing upon the fixation of seniority of the

officers, who are promoted much prior to the notification thereof. They further submit that the Rule 15 (4) and its first proviso run contrary to the very fundamentals of service law.

13. It is also stated that there is nothing like fixation of any quota or allocation of vacancies specifically to any feeder category, and the direction, if at all, is only to maintain equitable distribution to the extent possible, and not an allocation with mathematical precision. It is also pleaded that the concept of leave and training vacancies is typical to 2008 Rules, and it cannot be operated prior thereto.

14. Counter affidavits are filed by the Government as well as contesting respondents in the respective TAs and OAs. In certain cases, counter affidavit filed in other similar cases, are sought to be adopted. In a way, the ground, raised in one set of Writ Petitions figure in the counter affidavits filed in other set, and vice versa.

15. In view of reorganization of the State of Jammu and Kashmir, The Writ Petitions were transferred to this Tribunal and they were renumbered as TA.Nos.1325, 3415, 3430, 3439, 3449, 3462, 3467 and 3481/2020.

16. Arguments on behalf of the applicants in the OAs and TAs are advanced by learned counsel Sri R. A. Jan, learned senior advocate Sri Abhinav Sharma; Sri Samer Hassan, Sri Govind Raini, Sri Zaffar Shah, Sri M.Y.Bhat, Sri Vaibhav Gupta and Sri Rahul Pant, and on behalf of the respondents, by Sri Rajesh Thapa, Sri Sudesh Magotra, learned Deputy Advocate General and Sri Amit Gupta, learned Addl. Advocate General.

17. The brief factual background of these cases was furnished in the preceding paragraphs. Coming to the details thereof, the structure of the KAS is provided for under Rule 3 of 1979 Rules and it reads as under:

“3. Constitution of service and its classification

(1) There shall be constituted a Jammu and Kashmir Administrative Service.

(2) The service shall have the following scales of pay, namely:-

- (i) Super Time Scale of Rs.5900-6700;
- (ii) Special Scale of Rs.4500-5700;
- (iii) Selection grade of Rs.3700-5000;
- (iv) Time Scale of Rs.3000-4500; and
- (v) Junior Scale of Rs.2125-3600:

Provided that the members of the service holding super-time pay scale of Rs.5100-6300 at the commencement of Jammu and Kashmir Administrative Service (Amendment) Rules, 1993,

shall continue to hold the said pay scales in their personal capacities.”

It has already been mentioned that the manner of induction into service is provided for under Rule 5. In a way, Sub-Rule 4 of Rule 3 has also a bearing on this.

18. Rule 5 of 1979 Rules reads as under:

“5. Method of recruitment to the service

- (1) Recruitment to the service after the commencement of Jammu and Kashmir Administrative Service (Amendment) Rules, 1993 shall be made by the following methods, namely:-
 - (a) by a competitive examination at the junior scale;
 - (b) by promotion to the time scale of the service from amongst the members of the following services holding time scale of Rs.2125-3600 or any other higher grade in the respective departmental service:-
 - (1) The Jammu and Kashmir Revenue (Gazetted) Service;
 - (2) The Jammu and Kashmir Secretariat (Gazetted) Service;
 - (3) The Jammu and Kashmir Co-operative (Gazetted) Service;
 - (4) The Jammu and Kashmir Excise and Sales Tax (Gazetted) Service;

- (5) The Jammu and Kashmir Industries and Commerce/Handicrafts/Handlooms (Gazetted) Service;
- (6) The Jammu and Kashmir Information (Gazetted) Service;
- (7) The Jammu and Kashmir Tourism (Gazetted) Service;
- (8) The Jammu and Kashmir Labour (Gazetted) Service;
- (9) The Jammu and Kashmir Social Welfare (Gazetted) Service;
- (10) The Jammu and Kashmir CD & NES (Rural Development) (Gazetted) Service;
- (11) The Jammu and Kashmir Employment (Gazetted) Service;
- (12) The Jammu and Kashmir Hospitality, Protocol and Agencies Service;
- (13) The Jammu and Kashmir Food and Supplies (Gazetted) Service;
- (14) The Jammu and Kashmir Transport (Gazetted) Service;
- (15) The Jammu and Kashmir Stationary and Office Supplies (Gazetted) Service;
- (16) The Jammu and Kashmir Administrative Officers (Gazetted) Service.

Note 1. – The Jammu and Kashmir Administrative Officers (Gazetted) Service shall be deemed to be a part of the Jammu and Kashmir Secretariat (Gazetted) Service for working out quota of vacancies in KAS till such time the officers who were

regular recruits of the Jammu and Kashmir Secretariat (Gazetted) Service as on 10.10.1988 are promoted to KAS or retire whichever be earlier. This will not apply to the officers who may be superseded for purpose of promotion to the KAS.

Note 2. – Selections made from time to time for appointment to the service at its time scale shall bear the same ratio, as far as possible, to the number of posts in the respective feeding departmental services.

(c) By selection to the time scale of the service from amongst the persons of outstanding ability and merit serving in connection with the affairs of the State in Departments/Services other than those covered under clause (b) above or in Autonomous Bodies/Government owned Public Sector Undertakings carrying pay scale equivalent or higher than the time scale of KAS, on the recommendations of the concerned department/Autonomous Body /Government owned Public Sector Undertaking respectively.

(2) The number of vacancies in the junior scale of the service to be referred to the Jammu and Kashmir Public Service Commission for recruitment under clause (a) of sub-rule (1) shall be worked out by reference to 25% of the vacancies of senior scale posts available in the year in which the said junior scale recruits shall be eligible for promotion to Time Scale.

(3) The number of persons to be recruited in the Time Scale of the service under sub-rule (1) from different sources shall be as under:-

- (a) 65% of the vacancies of the Time Scale posts occurring in a calendar year shall be filled up by promotion from the departmental feeding services referred to in clause (b) of sub-rule (1) above;
- (b) 10% of the vacancies of senior scale posts occurring in a calendar year shall be filled up by selection from persons referred to in clause (c) of sub-rule (1) above;
- (c) 25% of the vacancies of the Time Scale post occurring in a calendar year shall be filled up by promotion of the Junior Scale KAS Officers subject to the conditions laid down in sub-rules (4) and (5) of rule 2 hereinabove.

Provided that till the first batch of Junior KAS becomes eligible for promotion to the time scale, the vacancies in the Time Scale of KAs shall be filled up by promotion of officers as specified in clause (b) and clause (c) of sub-rule(1) above in the ratio of 85:15 respectively subject to other conditions as prescribed in these rules.

(Provided further that the Government shall review the position regarding inductions into KAS of officers from feeding services after every interval of five years reckoning from 1st July, 2005 and appoint to its Time Scale eligible members of such feeding services as may have lagged behind in the matter of induction into KAS by operation of any of these rules so as to remove the distortions as far as possible.)”

19. Sub-Rule 4 of Rule 3 deals with the eligibility of the officers of the feeder category and it reads as under:

“(4) Subject to the provisions contained in sub-rule 5, a member of the service appointed by direct recruitment (Junior KAS) and a member from a feeding service shall be promoted to the Time Scale of KAS subject to the following conditions; namely;

- (a) He has completed four years of service in Junior Scale/feeding service as on 1st January of the year in which selection is to be made;
- (b) He has passed the departmental examination, if any, prescribed under rules;
- (c) The post in the Time Scale of KAS in the relevant service is available; and

(d)The Government is satisfied about his being suitable for promotion to the Time Scale of KAS.)"

20. From the above, it is clear that 65% of the vacancies, occurring in a calendar year in the time scale posts are required to be filled up by promotion from the feeder category services viz., officers, who have completed four years of service in such feeder categories. There is no specific distribution of vacancies of the posts of Time Scale of KAS, among the feeder services. The exhortation in this behalf is only to review the situation after every 5 years recurring from 01.07.2005, as is evident from the second proviso to Sub-Rule 3 of Rule 5.

21. The method of preparation of select list and consequential appointment is provided for under Rules 8 and 9. Rule 10 provides for probation, Rule 11 for training and examination, and Rules 12, 13 and 14 posting of cadre officers. Rule 15 was deleted. The next important provision is Rule 16 dealing with seniority. It reads as under:

"Seniority

- (1) The relative seniority inter se of persons appointed to the service shall be determined on the basis of the order in which names are arranged in the select list prepared under rule 8 of these rules.
- (2) The inter se seniority of those belonging to one and the same feeding service and who have been classified under

rule 8 in the same category shall be determined by reference to their seniority in the feeding service.

- (3) The inter se seniority of those who belong to different services but have been grouped in one class by the selection committee under rule 8 shall be determined by reference to the service rendered at the time scale level of the feeding service. Wherever, the dates of appointment to the Time Scale are the same, the persons higher in age would be given seniority over the younger persons.
- (4) The inter se seniority of the direct recruits on their promotion to the Time Scale, vis-a-vis those appointed by promotion/selection shall be determined in the manner in which the senior scale posts have to be allocated for promotion/selection/direct recruitment as prescribed in the rules. For this purpose a calendar year shall be taken as a unit for determination of the seniority. In case appointment of any group does not take place in a particular calendar year, such a group shall have no claim for relating its seniority with those appointed to the Time Scale in the previous year/years.
- (5) Seniority of the members of the service appointed to at its junior scale through competitive examination shall be regulated under the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules. 1956.”

22. It is clear that the manner in which the seniority of the officers must be fixed, is dealt with exhaustively under Rule 16 of the 1979 Rules. The purport thereof is that basically, the seniority shall be determined with reference to the order in which the names are arranged in the selection list under Rule 8. Sub-Rule (2) deals with the manner, in which, the seniority of the officers from the same feeder category and promoted to KAS time scale is fixed. In such cases, their seniority in the

feeder category would be a determining factor. Sub-Rules 3, 4 and 5 have no relevance to promotion to time scale of KAS.

23. For one reason or the other, promotion to time scale of KAS did not take place in the years 2004, 2005, 2006 and 2007. It was only in 2008, that the DPC was constituted and all the available vacancies were filled up. Consequently, appointments were also made. Before the seniority list of the officers promoted to Senior Scale of KAS between 01.01.2004 and 01.12.2008, was published, the 2008 Rules came into force. Except for small cosmetic changes, the structure of the KAS remained the same under these rules. The method of recruitment is dealt with under Rule 7, which is similar to Rule 5 of 1979 Rules. The percentage allocated among the three categories also remained the same.

24. Rule 14, provides for preparation of list of suitable officers and the method of preparation thereof. Here again, there is not much deviation from the 1979 Rules. An important provision is Rule 15, and it reads as under:

"Rule 15: Appointment to the service in the time scale: (1) The Government shall make appointment to the service in the time scale of persons who are held suitable in terms of rule 14

in the order in which their names appear in the select list for the time being in force.

Provided that the appointment of an officer whose name has been included in the select list but treated provisional under sub rule (3) of Rule 14 shall be made by the government after his integrity has been certified by the respective administrative department having regard to the fact that the officer has been exonerated from the charges which were pending against him at the time of his selection.

(3) All appointments shall be made to the service and not against any specific post included in the cadre of service.

(4) Where select list cannot be prepared for the members of any departmental feeding service in any particular Calendar year despite availability of vacancies owing to the procedural delay such members, when finally included in the select list of any later date shall be appointed to the service from the date on which the vacancy was allocated to such feeding service.

Provided that:

(i) Cases of persons appointed against the vacancies of 2004, 2005, 2006 and 2007 shall be reviewed in terms of sub-rule (4) above if their

appointment has taken place on a subsequent date.

(ii) Persons referred to in sub-rule (4) should otherwise be eligible for appointment to the service under these rules from such retrospective.

(iii) Time scale of the service shall be released to a member of any departmental service who has officiated on a cadre post, or on an equivalent post on an ex-cadre basis, if he is not appointed to the service owing to his retirement provided that a vacancy was available and that he is held suitable by the selection committee for such appointment.

(iv) Cases pending on the commencement of these rules shall also be dealt with in terms of proviso

(iii) above.”

25. The innovation is that Sub-Rule (4) of Rule 15 provides that if the select list cannot be prepared for the members of any departmental feeder service, in any particular calendar year, and if such members come to be included in the select list later, their appointment shall be from the date on which the vacancy was allocated to such feeding service. Almost as a supplement to this, Clause (i) to the proviso is added. It enables the Government to review the appointments made against the vacancies of the years 2004 to 2007, in terms of Sub-Rule (4).

This is not a general provision. It can be operated only with reference to the appointments mad during a particular period.

26. The next relevant provision of the 2008 Rules is Rule 18 dealing with the seniority. This is on the same lines as is Rule 16 of the 1979 Rules.

27. In this background, the following points arise for consideration:

- (i) Whether the final seniority list dated 24.06.2011, suffers from any legal or factual infirmity;
- (ii) Whether the KAS 2008 Rules, would cover the State of affairs that existed before they came into force;
- (iii) Whether Rule 15 (4) and clause i) of the proviso thereof are legally valid; or whether they are liable to be set aside;
- (iv) Whether the exercise undertaken by the Government in constituting a committee and publishing a further separate seniority list in 2020 is valid and legal; or
- (iv) Whether leave vacancies can be treated as Part of cadre.

Point (i)

28. The broad structure of the KAS and the method of appointment thereto was discussed in the preceding paragraphs. While the induction to the Junior Scale is exclusively through Direct Recruitment, the appointment or induction to time scale is from various sources. 65% is by way

of promotion from 16 feeder categories to the State services, 10% from the persons of extraordinary performance from the services outside those 16 feeder category services, and 25% from the officers of the Junior Scale. While for the officers of Junior Scale, it would be an upward movement in the same service i.e., KAS, for the other category of officers, it would be an induction to it, for the first time, though it is through process of promotion.

29. It is no doubt true that the rules mandate that the exercise of promotion to time scale of KAS is to be undertaken in every calendar year. However, for one reason or the other, the promotions did not take place from the feeder categories, during the years 2004 to 2007. The reasons therefor cannot be reviewed or addressed at this stage. The fact remains that promotions took place, *en bloc*, in the year 2008. Once the officers are promoted, the manner in which the seniority must be fixed is contained in Rule 16 of the 1979 Rules. It is guided by the ranking, or the place, assigned by the DPC. In case, more officers than the one from the same feeder category are promoted, their inter se seniority is to be guided by their seniority in the feeder category.

30. The respondents were under obligation to prepare a seniority list, strictly in accordance with Rule 16 of 1979 Rules. For the officers appointed up to 31.12.2003, a seniority list was published on 16.09.2008. By the time the exercise for preparation of seniority list of officers appointed between 01.01.2004 and 01.12.2009 was taken up, the Government published 2008 Rules on 01.12.2008. The Government has chosen to apply the parameters contained therein, for preparation of the seniority list of such officers. A tentative seniority list was published on 21.04.2010, inviting objections. As expected, 110 representations were received. In view of the complexity involved, the Government appointed a committee, vide Government order dated 24.09.2010. That, in turn, examined the entire Rule position and made the following observations/recommendations on 15.02.2011:

“Whereas, the Committee has, inter alia, made the following observations/recommendations:-

- (i) Seniority can be reckoned only from the date of appointment or date of placement to a post or service and it cannot be reckoned retrospectively from the date of occurrence of vacancy. The Supreme Court in landmark judgments of State of J&K Vs Javed Iqbal Balwan and State of J&K Vs Suraj Prakash

Gupta, has further clarified the position by holding that appointments take effect from the date, a person physically joins the post and that a person cannot claim his appointment from the date when he was not borne on the service to which he has been appointed. Hence, the seniority of an officer has to be determined with reference to the date of appointment and not with respect to the date of occurrence of a vacancy;

- (ii) The service rules and conditions of service of an employee(s) can be amended or altered but not amended or altered retrospectively to his/their disadvantage;
- (iii) The Jammu and Kashmir Administrative Service Rules, 2008 came into force on 01.12.2008 and, therefore, will apply only to inductions to the KAS which were done on or after 01.12.2008. All the officers who were inducted before 01.12.2008 will necessarily have to be governed by the provisions of KAS Rules, 1979;
- (iv) The tentative seniority notified vide Government Order No. 485-GAD of 2010 dated 21.04.2010 has been drawn in terms of the provisions of KAS Rules, 2008 which is incorrect. The seniority of an officer appointed under the KAS Rules, 1979 has to be determined in terms of the provisions of Rule

16 of these rules and not under Rule 18 of the KAS Rules, 2008;

(v) The Junior Scale KAS officers cannot be given appointment in KAS from a date prior to the date when they had not acquired eligibility for such appointment in terms of the provisions of KAS rules as were in vogue at the relevant point of time. Modification of the provisions of KAS rules by inserting an explanation through a Government order to facilitate the promotion of Junior Scale KAS officers of 2004 batch, cannot have an overriding effect on the basic rule. The said explanation was totally uncalled for. “

31. By the time, the report was submitted, the Writ Petitions were pending, in one of the matters the Hon'ble High Court directed the respondents to consider the feasibility of the fixation of seniority in terms of Rule 15 (4) of the 2008 Rules. Taking all these aspects into account, the Government published final seniority on 24.06.2011. This, in our view, completely accords with the dates of promotion, and other aspects mentioned under Rule 16 of the 1979 Rules.

32. Even on common parlance, an officer would get his seniority only from the date on which he is appointed. Some deviations would be when an officer, who is junior, is

promoted earlier and the promotion of the senior is delayed. Corrective steps are bound to be taken. In such case, though the senior may have been promoted a bit later, compared to his junior, the seniority of the former would be restored.

33. The appointment to the Time Scale of KAS from the feeder category, is by way of promotion. It is an induction for the first time. The occasion to reckon any service rendered on ad hoc basis earlier to the regular promotion or appointment, does not exist in such cases. The induction takes place on being selected and promoted to the Time Scale and not earlier thereto. There is no complaint that an officer, who was appointed on a particular date, was assigned the seniority with reference to any earlier date. We are of the view that the seniority list dated 24.06.2011, fully accords with the KAS Rules as well as general principles of reckoning the seniority. Point no. (i) is answered accordingly.

Points (ii) & (iii)

34. The basis for preparation of tentative seniority list dated 21.04.2010 as well as the redrawn seniority list dated 05.08.2020 is the 2008 Rules, and in particular Rule 15 (4) thereof. The said Rule has already been extracted. Here itself,

we need to take note of the fact that in one of the OAs, that very proviso is challenged.

35. Before discussing further, the doubt as to whether a rule can be made to cover a situation, which existed prior thereto, needs to be addressed. Though it may be akin to one of the making a rule with retrospective effect, on a close analysis, it may not appear to be so. At any rate, except in the case of the law of taxation and criminal laws, no prohibition against enactment of law with retrospective effect, exists. In a given case, service rules, can also be amended with retrospective effect. The only preparation one has to take is that such an exercise should not defeat the accrued rights of the members of the service.

36. Coming to the very purport of the Rule 15, it is evident that sub-Rule (4) contemplates certain situations viz.,

- (a) There exists a provision for allocation of vacancies of time scale, for various feeder categories;
- (b) In a particular year, though the eligible officers of a given feeder category were available and vacancies were allocated, the promotion could not be made for one reason or the other.
- (c) In the subsequent years, the officers, who were eligible in earlier years, were considered and promoted to time scale of KAS.
- (d) In such a case, the officer though promoted at a later stage, would be deemed to have been promoted against

the vacancy, which was available in the preceding or earlier years.

37. To illustrate

- (a) 3 vacancies were earmarked for feeder category of Jammu and Kashmir, Excise (Gazetted) Service in the year 2001;
- (b) Though the eligible officers were available, they were not considered for promotion during that year.
- (c) The officers, who are excluded were considered and promoted in the year 2003
- (d) Notwithstanding the fact that the promotion to the Time Scale of KAS took place in the year 2003, the officers would be deemed to have been promoted in the year 2001.

In examining this, we find that the very first premise does not get support from any provisions of the 1979 or 1980 Rules. It is only the second proviso, Rule 5 (3) of the 1979 Rules, that throws light on this aspect. It reads as under:

“(Provided further that the Government shall review the position regarding inductions into KAS of officers from feeding services after every interval of five years reckoning from 1st July, 2005 and appoint to its Time Scale eligible members of such feeding services as may have lagged behind in the matter of induction into KAS by operation

of any of these rules so as to remove the distortions as far as possible.)”

Even this does not provide for allocation of any specific number of vacancies, for the respective feeder services. The endeavour is only to undertake a broad review, after an interval of 5 years, reckoned from July, 2005. Before such review could take place, the 2008 Rules came into service.

38. The second is that the record is totally silent as to whether any feeder services were allocated the vacancies of time scale of KAS, in any particular year; and that the officers of the concerned departments were denied the promotion. It is only when the record discloses that –

- (a) the promotions took place in a particular year;
- (b) the vacancies that were earmarked for one feeder category were diverted to other feeder category; or
- (c) the officers, who are denied promotion on the previous occasion, were promoted at later point of time;

that the exercise contemplated in Rule 15(4) of the 2008 Rules, can be undertaken.

39. It has already been mentioned that no promotion to the Time Scale has taken place between 2004 and 2008. Further, one cannot take the eligibility of an officer in respect of earlier years, for granted. The reason is that in a particular year, there may be seniors to him, who may have retired by the time the

actual promotion took place. Secondly, it is only the DPC, which can determine the eligibility of the officers with reference to the vacancies of any particular year, and not anyone else. Therefore, Rule 15(4) of the 2008 Rules cannot be sustained in law, both on account of its lacking in factual or legal basis, and its being opposed to the very concept of fixation of seniority.

40. Now comes clause (i) of the proviso to Rule 15 (4). It enables the Government to review the appointments/promotions that took place in certain years. It reads as under:

Provided that:

(i) Cases of persons appointed against the vacancies of 2004, 2005, 2006 and 2007 shall be reviewed in terms of sub-rule (4) above if their appointment has taken place on a subsequent date.

41. Rarely, we come across a provision in an Act or Rule, dealing with the situation referable to a particular type, as does the said proviso. This is not a case, in which the service is being constituted for the first time, and as a transitory provision, certain steps are indicated. The clause enables the Government to review the appointments that took place

against the vacancies of years 2004 to 2007, in terms of Sub-Rule (4). Once Sub-Rule (4) itself is held to be not valid, the proviso has no independent legs to stand. Points (ii) and (iii) are accordingly answered.

Point No. (iv)

42. Basically, once a final seniority list is published, the Government becomes functus officio for all practical purposes. The aggrieved parties have to approach the Court or Tribunal for redressal of their grievance. The respondents did not refer to any provisions of law for undertaking the review of the final seniority list dated 24.06.2011. It has already been indicted that the final seniority list accords with the relevant provision of law as well as the principles governing the fixation of seniority. There is no jurisdiction or even justification, for the Government to appoint a Committee to review the final seniority list, much less to publish the revised seniority list dated 05.08.2020.

Point No. (v)

43. This is as to whether leave and training vacancies can be treated as part of the cadre, and about the place that can be assigned to such officers in the seniority list. The strength of the cadre is clearly defined under the 1979 Rules, and the

promotions/appointments in the time scale are accordingly made. Those rules do not provide for inclusion of any leave or training vacancies for the purpose of promotion. If the Government has to fill the leave and training vacancies by way of promotion of the officers from feeder categories, it can be only as a measure to meet the administrative exigencies, and it cannot be fit into the one, under the rules. Any facility created in this behalf, under the 2008 Rules, does not govern the promotions made, before those Rules came into force.

44. Though the promotions/appointments so made cannot be treated as invalid, such appointees/promotees cannot be placed above those, who are promoted/appointed against regular vacancies. The manner in which the service rendered prior to regular promotion against the time scale of KAS would be governed by the principles laid down by the Hon'ble Supreme Court in *Suraj Prakash Gupta and Others v. State of Jammu and Kashmir & Others* [(2000 (7) SCC 561)].

45. In view of the discussion undertaken above,

(a) T.A.Nos.3415, 3430, 3439, 3449, 3462 and 3467/2020, wherein the final seniority dated 24.06.2011, is challenged, are dismissed;

(b) The O.A. Nos. 924 and 925/2020, and TA.No.3481/2020 are allowed

- (i) setting aside the order dated 01.02.2000, constituting a committee to review the final seniority list dated 24.06.2011; and the Government order dated 05.08.2020, revising the final seniority list dated 24.06.2011; and
- (ii) holding that Rule 15 (4) of 2008 Rules and Clause (1) of the proviso thereof, are illegal and contrary to law.

There shall be no order as to costs.

**(MOHD. JAMSHED)
L.NARASIMHA REDDY
MEMBER (A)**

**(JUSTICE
CHAIRMAN**

dsn/sunil