



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 3789/2020
(S.W.P. No. 1567/2018)

Thursday, this the 27th day of May, 2021

(Through Video Conferencing)

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

Pawandeep Singh, age 31 years
S/o S. Paramjeet Singh
R/o 272 Bohri Talab Tillo, Jammu.

... Applicant
(Ms. Surinder Kour, Senior Advocate)

Versus

1. State of Jammu and Kashmir through
Commissioner-cum-Secretary, to Government
Industries and Commerce Department, Government of J&K
Civil Secretariat, Srinagar.
2. Director, Industries and Commerce Department
Jammu.
3. Jammu and Kashmir State Service Selection Board
Through its Chairman, Zam Zam Building, Srinagar.
4. Chairman, Jammu and Kashmir State Services Selection
Board, Zam Zam Building, Srinagar.
5. Secretary, Jammu and Kashmir State Service Selection
Board, Zam Zam Building, Srinagar.
6. Administrative Officer, Jammu and Kashmir State Service
Selection Board, Opposite BSF School
Paloura, Jammu.

... Respondents
(Mr. Amit Gupta, Additional Advocate General)



O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The Service Selection Board of Jammu and Kashmir issued a notification on 28.12.2012 inviting applications for quite large number of posts; one of it, being Assistant Extension Officer (AEO) in the Industries & Commerce Department. 13 posts were advertised and out of them, 7 were unreserved (UR). Similarly, the post of Block Investigator Officer (BIO) was also notified and 4 vacancies were for UR candidates. The applicant took part in the selection process for the post of AEO. The select list for the post was published on 30.11.2017 and the applicant was shown at Sl. No. 1 in the waiting list for UR category. In the UR category, only 6 persons were appointed and one post was reserved in favour of Mr. Goutam Gupta, who filed SWP No.206/2017 before the Hon'ble High Court of Jammu & Kashmir. The applicant contends that Mr. Goutam Gupta was ultimately selected as BIO and despite that, the respondents did not select and appoint him as AEO. He filed SWP No. 1567/2018 before the Hon'ble High Court, with a prayer to direct the respondent Nos. 3 to 6 to consider his case for selection and appointment.



2. The record discloses that the respondents did not file any reply.
3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.3789/2020.
4. Today, we heard Ms. Surinder Kour, learned senior counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.
5. The basic facts are not in dispute. The applicant was one of the candidates under UR category for the post of AEO. 7 posts were available for UR category and only 6 were filled up. Against the 7th vacancy, it was mentioned that it was reserved in pursuance to the direction of the Hon'ble High Court in SWP No. 206/2017. However, the applicant was shown at Sl. No. 1 in the waiting list of that category.
6. In case there existed any interim order reserving the post in favour of Mr. Goutam Gupta or if he was otherwise selected, the applicant cannot have any case at all. The record, however, discloses that (a) there was no interim order passed by the Hon'ble High Court, reserving any post in favour of Mr. Goutam Gupta, (b) the SWP filed by Mr.Gupta has since been



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withdrawn; and (c) Mr. Gupta is said to have been selected and appointed as BIO. The result is that the 7th vacancy in UR category remained unfilled and the applicant is the next in the merit list. Therefore, he is entitled to be considered against that vacancy.

7. We, therefore, allow the T.A. and direct the respondent Nos. 3 to 6 to consider the case of the applicant for selection and appointment against the 7th vacancy in the UR category for the post of Assistant Extension Officer (AEO) and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 27, 2021
/sunil/jyoti/ns/sd