



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.3949/2020
(S.W.P. No.1566/2003)

Wednesday, this the 20th day of January, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

1. Zaffer Ali Dar, aged : 34 years, S/o Sh. Mohd Abdullah Dar, R/o Bhaderwah, Distt. Doda.
2. Mohd Shafi Akhoon, aged : 26 years, S/o Sh. Abdul Rashid Akhoon, R/o Village Malwana, Teh. and Distt. Doda.
3. Mohd Shafi Akhoon, aged: 26 years, S/o Sh. Abdul Rashid Akhoon, R/o Village Malwana, Teh. and Distt. Doda.
4. Ms Razia Bano, aged : 32 years, D/o Lassa Natnu, R/o Babore, Teh. and Distt. Doda.
5. Mohd Ashraf, aged : 24 years, S/o Sh. Mohd Ramzan Dar, R/o Village Udyanpur, Teh. and Distt. Doda.
6. Saroop Singh, aged : 28 years, S/o Late Sh. Ram Dass, R/o Tandwah, Teh. and Distt. Doda.
7. Shahnawaz Beig, aged : 34 years, S/o Late gulam Mustafa Beig, R/o Village Udhyanpur, Tehsil and Distt. Doda.
8. Khalid Usman Khateeb, aged : 30 years, S/o Late Mohd Aslam Khateeb, R/o Bhaderwah, Teh. Bhaderwah, Distt. Doda.
9. Mohd Amin, aged : 24 years, S/o Mohd Sabar, R/o Village Dhandal, Tehsil and Distt. Doda.
10. Ms. Shena Tabsum D/o Late Sabdar Ali, R/o Proper Doda, Teh. and Distt. Doda.
11. Miss Shazia Banoo D/o Haffizullah Butt, R/o Kotal Sazan, aged : 21 years.

..Applicants

(Mr. Nishant Shukla, Advocate for Mr. Rahul Pant, Advocate)

Versus

1. State of Jammu and Kashmir, through Chief Secretary to the Govt., Jammu and Kashmir Government, Civil Secretariat, Jammu.
2. Commissioner-cum-Secretary to Govt., General Administration Department, Civil Secretariat, Srinagar.
3. Principal Secretary to Government, Health and Medical Education Department, Jammu and Kashmir Government, Civil Secretariat, Srinagar.
4. Director, School Education, Muthi, Jammu.
5. Director, Health Services, Jammu.

Item No.8



6. Hardeep Singh, S/o Sh. Wazir Chand, R/o Village Massu Padder, District Doda.
7. Mohd. Yusuf, S/o Sh. Bobyie, R/o Village Batroo Panchal, Block Ramsoo, Tehsil Banihal, District Doda.
8. Mtr. Razia Rozi, D/o Sh. Mohd. Ali Qazi, R/o Naggar Masjid Mohalla Shaderwah, District Doda.
9. Ishaq Ahmad, S/o Late Sh. Abdul Jabbar Bagban, R/o Hunjal, Tehsil Kishtwar, District Doda.
10. Durga Dass, S/o Sh. Jodh Ram, R/o Lipra, Tehsil Kishtwar, District Doda.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants herein filed SWP No.1566/2003 before the Hon'ble High Court of Jammu & Kashmir complaining that the Government made illegal appointments to various posts, without following the prescribed procedure. According to them, the private respondent Nos. 6 to 10 were appointed without inviting any applications and just by choosing them in isolation. They have also pleaded that the procedure is impracticable in law, and in case the Government intended to make appointments to any post whatever, the advertisement ought to have been issued, and in such cases, there would be scope for them to apply.

2. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and registered as T.A. No.3949/2020.

Item No.8



3. Today, we heard Mr. Nishant Shukla for Mr. Rahul Pant, learned counsel for applicants and Mr. Sudesh Magotra, learned Deputy Advocate General.

4. The applicants were all unemployed, when the SWP was filed. Their grievance was that the illegal appointments were made, through orders dated 22.02.2002 and 19.04.2002. A perusal of the said order discloses that the appointments were made just for 89 days. By the very nature, appointments of that type are made in respect of persons who intend to undertake such menial jobs. Law does not contemplate issuance of advertisement, in the context of making arrangements for limited period of 2 or 3 months. At any rate, no development took place with effect from 2003 and after 19 years, nothing can be done at this stage.

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

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 20, 2021

/sunil/dsn/sd/shakhi