



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 5622/2021
(S.W.P. No. 3025/2010)

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)**

Robinder Parshad (Age 42 years)
S/o Sh. Ved Prakash
R/o Gohlad Tehsil Mendhar
District Poonch.

... Applicant
(*Nemo* for applicant)

Versus

1. State of Jammu and Kashmir through Chief Secretary, Government of J&K Civil Secretariat, Jammu.
2. Commissioner/Secretary to Government, Technical Education, Govt. of J&K, Civil Secretariat, Jammu.
3. Director General of Youth Services & Sports Department M.A. Stadium, Jammu.
4. Jammu and Kashmir State Services Selection Board Through its Chairman, Sehkari Bhawan, Rail Head Complex, Jammu.
5. Chairman, Jammu and Kashmir State Services Selection Board, Sehkari Bhawan, Rail Head Complex, Jammu.
6. Secretary, Jammu and Kashmir State Services Selection Board, Sehkari Bhawan, Rail Head Complex, Jammu.
7. Administrative Officer, Jammu and Kashmir State Services Selection Board, 1-D/C Green Belt Park, Gandhi Nagar, Jammu.



8. Vikram Bhasin, S/o Sh. Ashok Kumar
R/o Gohlad, District-Poonch.
9. Zabir Ahmed, S/o Sh. Mohd. Latif Khan
R/o Gulhota Harni, Tehsil Mehander, District Poonch.
10. Rukhsana Baghal, D/o Sh. Ahmed Hussain Baghal
R/o Q.No. 9/8 Block-H, Channi Himmat, Jammu.
11. Anita Shzrma, D/o Sh. Harmesh Sharma
R/o Village Gultha Tehsil Mendhar, District Poonch.

..Respondents
(Mr. Rajesh Thappa, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The respondents initiated steps for appointment to the post of Physical Education Teacher in the District Cadre Poonch. Reservation was also made for the Actual Line of Control (ALC) category. The applicant claims the status of ALC. In the list of selected candidates published on 23.10.2010, it was mentioned that respondent Nos. 8 to 11 were selected for the post under ALC category and the name of the applicant did not figure. Thereupon, he filed SWP No. 3025/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to set aside the selection of respondent Nos. 8 to 11 and to consider his case for selection to the said post. Considering the interim prayer, the Hon'ble High Court passed an order on 29.12.2010, directing that the selection of respondent Nos. 8 to 11 shall be subject to outcome of the SWP.



2. 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. 5622/2021.

3. Today, there is no representation for the applicant. We perused the record and heard Mr. Rajesh Thappa, learned Deputy Advocate General.

4. The SWP itself is not maintainable since it was filed challenging the mere selection. The cause of action could have arisen only when the appointments took place and not otherwise. Be that as it may, except pleading that he is more meritorious than the respondent Nos. 8 to 11, the applicant did not demonstrate as to how the selection was vitiated. Further, more than a decade has elapsed ever since the selection has taken place. No relief can be granted at this stage.

5. The T.A. is accordingly dismissed. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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