

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/864/2021

This the 02nd day of June 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)



1. Anchal Singh, Age 32 years, S/o Sh. Prem Singh, R/o Bharai, P.O. Saringal, Tehsil Bhaderwah, District Doda-182202.
2. Sayed Jaffer Abass Age 37 years, S/o Sayed Nazir Ahmad, R/o Mohalla Hamdanpur, Doda-182202.
3. Pardeep Arora, Age 35 years, S/o Yog Raj Arora, R/o Shakti Nagar, Jammu-180001.
4. Preeti Slathia, Age 34 years, D/o Nasib Singh Slathia, R/o Man Road Harsa Habbur, Bishnah, Jammu-181132.

.....Applicants

(Advocate:- Mr. Abhinav Sharma, Sr. Advocate assisted by Mr. Abhimanyu Sharma)

Versus

1. Union Territory of J&K through Financial Commissioner to Govt. Civil Secretariat, Jammu-180001.
2. Director General, Economics and Statistics J&K, Jammu-1800001.
3. J&K Service Selection Board through its Secretary, Sehkar Bhawan, Rail Head Complex, Jammu-180001.
4. Sapna Sharma, Present place of posting Project Officer ICDS Parmandal-180017.
5. Rohit Singh Pawar, Present place of posting DSEO, Jammu-180001.
6. Summet Sharma, Present place of posting DSEO, Udampur-182101.
7. Mohd Isthaq, Present place of posting DESO, Doda-182202.
8. Arun Kumar, Present Place of posting Chief Engineer Irrigation & Flood Control, Jammu-180001.
9. Vishali Upadhyay, Present place of posting GMC, kathua-184101.
10. Amit Kumar, Present place of posting, CPO, Jammu-1800001.
11. Bhushan Lal, Present place of posting DSEO Kishtwar-182204.

12. Atta Mohammad Mir, Present place of posting, Superintending Engineer PWD (R&B) Circle Jammu/Kathua 184101.
13. Shakti Kumar, Present place of posting Project Officer, ICDS Bani District Kathua-184101.

.....Respondents



(Advocate: Mr. Rajesh Thappa, learned D.A.G.)

ORDER
ORAL

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The applicants are aggrieved by the impugned order dated 10.02.2021 (Annexure No. A-1 to the O.A.) whereby the objections of the applicants to the various tentative lists issued by the respondent department have been rejected by the respondents.

2. Learned counsel for the applicant submits that the impugned order is devoid of reasoning and it is not a speaking order, as such it deserves to be set aside. On the other hand, learned D.A.G. submits that the applicants cannot challenge the seniority list, since the applicants were not in service on the relevant date.

3. I have heard Mr. Abhinav Sharma, Sr. Advocate assisted by Mr. Abhimanyu Sharma, learned counsel for the applicants and Mr. Rajesh Thappa, learned D.A.G. and perused the records.

4. The State could have very well given the reasoning as argued by the learned D.A.G. that the applicants cannot challenge the seniority list, since the applicants were not in service on the relevant date and informed the applicants, the reasons on which their representations against the tentative seniority list have been rejected. However, the order is absolutely cryptic, non-speaking and unreasoned. It is also settled principle of law that

the omission of reasons in the impugned order cannot be supplied by the explanation by the respondents in the litigation.



5. Accordingly, the O.A. is disposed of at the admission stage itself by setting aside the order no. DES/Gen-219/Obj-SA/2020(Adm)/12642-46 dated 10.02.2021 (Annexure A-1 to the O.A.). The respondents shall consider and dispose of the representation filed by the applicants by passing a reasoned and speaking order within a period of 15 days from today with intimation to the applicants.

6. Learned counsel for the applicants submits that till the representation is decided by the respondents, the latest seniority list (Annexure No. A-2 to the O.A.) issued by the respondents may not be acted upon. However, it is apparent that the final seniority list can only be issued after the representation of the applicants is considered and disposed of in the manner stipulated above. It is also a settled principle of law that promotions can be made after the final seniority list is issued.

7. Learned D.A.G. has undertaken that he will inform the respondents about the order passed today.

8. No order as to cost.

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun