



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 5943/2021
(SWP No.666/2011)

With

T.A. No.5945/2021
(SWP No.665/2011)

Wednesday, this the 30th day of June, 2021

(Through Video Conferencing)

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

T.A. No.5943/2021

1. Narinder Kumar Gupta, age 50 years
s/o late Sh. Shanker Dass Gupta
r/o Vill. Kot Tehsil and District Jammu
2. Tejinder Singh, age 53 years
s/o Sh Bhagwant Singh
r/o Dumana Tehsil and District Jammu

T.A. No.5945/2021

1. Sheikh Ishtiaq Ahmed, age 52 years
s/o late Ghulam Rasool
r/o Village Udrana, Baderwah
2. Imtiaz Ahmed Malik, age 51 years
s/o Sh. Zaka Ullah Malik
r/o Daral Malikan, Rajouri
3. Mohd. Younis Butt, age 50 years
s/o Sh. Abdul Qayoom Butt
r/o Mohalla Masjid, Baderwah

.Applicants

(Nemo for applicants)

Versus

1. State of Jammu and Kashmir, through Commissioner-cum-Secretary to Government, Finance Department, J&K Govt., Civil Secretariat, Jammu
2. The Commissioner Excise, Government of Jammu & Kashmir, Panama Chowk, Jammu
3. The Jammu & Kashmir Public Service Commission, through its Chairman, Resham Ghar Colony, Jammu
4. Secretary-cum-Controller of Examinations, Jammu & Kashmir Public Service Commission, Resham Ghar Colony, Jammu

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

Common questions of fact and law arise for consideration in these two SWPs. Hence, they are disposed of through a common order.

2. The respondents initiated steps for appointment to the post of Excise and Taxation Officer in the year 2011. The applicants were not permitted to take part in the two examinations by raising certain objections. Therefore, they filed SWP Nos.5943/2021 & 5945/2021 before the Hon'ble High Court of Jammu & Kashmir by raising several grounds. Interim order was passed by the Hon'ble High Court 08.04.2011, directing that the eligibility of the applicants shall be

determined and in case they are found eligible, the respondent No.2 shall send their application forms to respondent Nos. 3 & 4. The applicants were provisionally permitted to take the examination with a direction that the result shall not be declared without permission of the Court.

3. The SWPs have since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.5943/2021 and T.A. No.5945/2021.

4. Today, there is no representation for the applicants. We perused the record and heard the arguments of Mr. Rajesh Thappa, learned Deputy Advocate General.

5. The grievance of the applicants was about the action of the respondents in not treating them as eligible for the concerned post. Substantial grievance of the applicants was redressed in the form of interim order dated 08.04.2011 passed by the Hon'ble High Court. It is brought to our notice that the applicants were permitted to take part in the examination in compliance with the interim order, but they could not make it to selection. Nothing can be done at this stage.

6. We, therefore, dismiss the T.As. as infructuous. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 30, 2021
/sunil/jyoti/