

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/1449/2021

This the 23rd day of September, 2021



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

1. Jehangir Bilal Ahmad Bhat, age 35 years S/o Mohammad Akram Bhat, R/o Hanjoora Chadoora Budgam.
2. Qaiser Hashim Khan, age 35 years S/o Mohammad Hashim Khan, R/o Sogam Chadoora Budgam.
3. Hilal Ahmad Dar, age 32 years S/o Abdul Rashid Dar, R/o Rakh Charari Sharief Budgam. ...Applicants.

(By Advocate:- Mr.Bhat Fayaz Ahmad)

Versus

1. Union Territory of J&K through Commissioner/Secretary to Government, Agriculture Department, Civil Sect. Srinagar/Jammu.
2. Director, Agriculture Production Department, Kashmir Srinagar.
3. Chairman, J&K Service Selection Board (SSB) Jammu/Srinagar.
4. Secretary, J&K Service Selection Board (SSB) Jammu/Srinagar.

.....Respondents

(By Advocate:- Mr. Amit Gupta, AAG)

ORDER
ORAL

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

Through this OA, the applicants have claimed the relief(s) as under:-

"8.1 An order or direction, directing the respondents (SSB) to recommend the applicants for appointment against the post of Horticulture Technician-IV for District Budgam under Item

No.299 on account of having been declared as qualified in the process of selection.

8.2 An order or direction, directing the respondents to consider the claim of the applicants in light of the judgment passed by the Hon'ble High Court titled Surinder Singh and others versus State and others decided on 04.10.2017 and issue appointment orders in favour of the applicants without any further delay.

8.3 An order or direction, directing the respondents to explain why the recommendations of the applicants have not been forwarded for appointment when the applicants are possessed of the relevant qualification for the post of Horticulture Technician-IV which controversy has already been resolved by the Hon'ble High Court. Besides that direct the respondents to issue appointment orders in favour of the applicants along with all consequential benefits.

8.4 Any other order or direction which the Hon'ble court may deem fit and proper in the given facts and circumstances of this case may also be issued in favour of the applicant and against the respondents, the same would be in consonance with law and justice."



2. At the outset, the learned counsel for the applicants submits that this case is squarely covered by the judgment and order dated 04.10.2017 passed in the case of **Surinder Singh vs. State of Jammu & Kashmir** (SWP No. 2947/2015), provided the same has not been overruled upon by the Hon'ble Apex Court and seeks a direction to the respondents that the same benefits be extended to the applicants in a time bound manner.

3. We have heard both the learned counsel for the parties and perused the records.



4. Looking into the limited prayer made by the learned counsel for the applicants, we direct the respondents to consider and decide the claim of the applicants in the light of judgment and order dated 04.10.2017- Surinder Singh v. State of Jammu & Kashmir (Supra) by a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of this order. If the applicants, herein, are found similar as petitioners in the above said SWP NO. 2947/2015, the same benefits shall be given to the applicants of the OA.

5. It is made clear that we have not commented anything on the merits of the OA while disposing of the OA.

6. Accordingly, the OA is disposed of. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

/kdr/