

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**T.A. No. 62/7809/2020
(SWP No. 2363/2019)**

This the **10th** day of **May** 2021

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

1. Tanveer Ahmad Bhat, age 25 yrs. S/o Sonaullah Bhat, R/o Magam Handwara, Kupwara.
2. Sayed Ahmad Bhat, age 38 yrs. S/o Ab. Gani Bhat, R/o Gushi, Kupwara.
3. Khursheed Ahmad Mir, age 42 yrs. S/o Abdullah Mir, R/o Thandipora, Kupwara.
4. Mushtaq Ahmad Wani, age 35 yrs. S/o Ghulam Ahmad Wani, R/o Azad Mohalla, Radbugh, Kupwara.
5. Shahid Bashir, age 25 yrs. S/o Bashir Ahmad Wani, R/o Khull Noorabad, D.H. Pora Kulgam.
6. Kafil u Rehman, age 32 yrs. S/o Bashir Ahmad Dar, R/o Chogalpora, D.H. Pora Kulgam.

.....Applicants

(Advocate:- Mr. Bhat Fayaz Ahmad)

Versus

1. State of Jammu & Kashmir through Commissioner / Secretary to Govt. Agriculture Production Department, Civil Sectt. Jammu/Srinagar.
2. Secretary to Govt. Horticulture Department, Civil Sectt., Jammu/Srinagar.
3. Director, Agriculture Production Department Kashmir, Srinagar.
4. Chairman, J&K Service Selection Board (SSB), Jammu/Srinagar.
5. Secretary J&K Service Selection Board (SSB), Jammu/Srinagar.

...Official Respondents

6. Showkat Ahmad Bhat, S/o Gh. Mohd. Bhat, R/o Arrigutnoo Kulgam.

.... Proforma Respondents

(Advocate: Mr. Amit Gupta, Id. AAG)

ORDER [O R A L]

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

Through this TA, the petitioners have claimed the relief(s) as under:-

- (a) Writ order or direction in the nature of Certiorari seeking quashment of order No. 167.SSB of 2019 dated: 18.06.2019 passed by respondent no. 5.
- (b) Writ order or direction in the nature of Mandamus commanding upon the respondents SSB to issue selection list in respect of petitioners Horticulture Technician IV for District Kupwara on account of having participated in the process of selection strictly on the basis of the merit against the posts which have remained unfilled in District Kupwara.
- (c) Writ order or direction in the nature of Mandamus commanding upon the respondents to fill up the left over /unfilled posts by making selection of petitioners as Horticulture Technician IV on the same analogy as has been done in the case of proforma respondent with all consequential benefits.
- (d) Writ order or direction in the nature of Mandamus commanding upon the respondents to issue selection list as Horticulture Technician IV advertised vide notification No. 01 of 2016 and 03 of 2016, in respect of petitioners by granting similar treatment as has been given to the selected candidates and submit the selection list to the intending department for their appointment with retrospective effect i.e. from the date the petitioners were entitled for the same.
- (e) Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also be passed in favour of the petitioners.

2. At the outset, the learned counsel for the applicant submits that this case is squarely covered by the judgment and order dated **04.10.2017** passed in the case of **Surinder Singh V. 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 petitioners 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 applicant, we direct the respondents to consider and decide the claim of the petitioners 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 petitioners, herein, are found similar as petitioners in the above said SWP NO. 2947/2015, the same benefits shall be given to the petitioners of the petition.

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

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

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

JNS