

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.380/2020
(SWP No.1606/2007)

Monday, this the 1st day of February, 2021

(Through Video Conferencing)

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

Nazir Ahmad Dar, age : 28 years, S/o Gh. Mohammad Dar, R/o Village Nusoo Bandipora, Kashmir.

..Applicant

(Mr. Rakesh Sharma, Advocate)

VERSUS

1. State of J&K State through Commissioner/Secretary Agriculture, J&K State Civil Secretariat, Srinagar/Jammu.
2. Director Agriculture, J&K Govt., Srinagar.
3. Director Horticulture, Kashmir, J&K Govt., Srinagar.
4. Chairman Service Selection Board, J&K State, Srinagar/Jammu.
5. Kausar Nissa D/o Nazir Ahmad, Resident of Malik Sahib, Srinagar.
6. Rajesh Mantoo, S/o Bhushan Lal Mantoo, R/o 32/8 Tirath Nagar, Talab Tila, Jammu.
7. Shiney Suraya, D/o Gh. Ahmad, R/o Pandan, Srinagar.
8. Irfan Rasool Mir, S/o G.R. Mir, R/o Maisuam Bazar, Sgr.
9. Sajadul Qayoom Ganaie, S/o Ab. Rahim Ganaie, R/o Shangas, Anantnag.
10. Deleted vide order dated 07.06.2012.
11. Deleted vide order dated 07.06.2012.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The Jammu & Kashmir Service Selection Board, the 4th respondent herein, issued an Advertisement in the year 2003 for selection to the post of Drill Operator Grade-I. The selection did not go through and another notification was issued in the year 2005. The applicant, respondent Nos. 5 to 9 and certain others applied. It is stated that the 4th respondent did not make the selection process public and that everything was kept in secret. The applicant filed SWP No.1606/2007 before the Hon'ble High Court of Jammu & Kashmir with multiple prayers. The first was to direct the 4th respondent to recast the select list by reflecting the name of the applicant at Serial No. 1 and to direct the respondent Nos. 1 to 3 to consider his case for appointment to the post of Drill Operator Grade-I. The second was to direct the respondents to accord to the applicant, the treatment similar to respondent Nos. 5 to 9. The third was for the writ of *certiorari* quashing the criteria stipulated by the respondent No.4, particularly, the one of possession of degree and the last one was for disposal of his representation.

2. On behalf of respondent Nos. 1 & 2 and respondent No. 3, separate counter affidavits are filed. According to them, there was no post of Drill Operator in their establishment and that the



SWP is misconceived. In the year 2017, the applicant filed one CMP for modification of the cause title in the SWP.

3. The SWP has since been transferred to the Tribunal in view of the re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.380/2020.

4. Today, we heard Mr. Bhat Fayaz, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

5. The selection process commenced way back in the year 2003 and it is said to have assumed some shape in the year 2005 or 2006. The SWP was not clear as to whether any select list was prepared or the private respondents were appointed. However, a direction was sought for inclusion of the name of the applicant in the select list at Serial No. 1.

6. Notwithstanding the fact that the actual departments in whose service the post of Drill Operator existed, it becomes clear that the T.A. is full of uncertainties, if not contradictions. On the one hand, the applicant challenged the stipulation of an educational qualification and on the other, he wants his name to be inserted in the select list, straightway.

7. Impleading of other officials, at this stage, would amount to initiation of proceedings vis-à-vis them, for the first time in the year 2021, i.e., nearly one and a half decades after the selection process has been concluded.

8. We do not find any merit in the TA. It is accordingly dismissed. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 1, 2021
/sunil/vb/ankit/ns