

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.5230/2021  
(S.W.P. No.2172/2020)

Tuesday, this the 11<sup>th</sup> day of May, 2021

(Through Video Conferencing)

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

1. Name: UmakeZamanThoker,  
DOB: 10.10.1987  
Father's Name: Mohd. ZamanThoker,  
Address: Watergam, Wagoora,  
Baramulla, UT: J&K.
2. Name: NehalPandit,  
DOB: 14.02.1989  
Father's Name: G.K. Pandit,  
Address: 117 Shanti Vihar,  
Opp. BSF HQ Jammu, UT: J&K.
3. Name : Swati Sharma  
DOB: 12.03.1989  
Spouse' Name: Susheel Kumar,  
Address: Ward # 15, Patel Nagar,  
P.O. Mini Secretariat, Kathua,  
UT: J&K.
4. Name: Sumaeeya Bashir,  
DOB: 12.10.1989  
Spouse Name: SuhaibAmeer,  
Address: Kansipora,  
Baramulla, UT: J&K.
5. Name: Dheeraj Singh  
DOB: 08.12.1989  
Father's Name: Romesh Kumar,  
Address: R/o Village Trithloo  
BhalessaGandoh,  
Doda, UT: J&K.
6. Name :Suhail Yusuf,  
DOB: 04.02.1987  
Father's Name: Mohammad Yousuf,  
Address: SydedPora, Harwan,  
Srinagar, UT: J&K.



7. Name :AssifRamzan,  
DOB: 12.11.1986  
Father's Name: Mohd. Ramzan,  
Address: Hyderpora, Srinagar,  
UT: J&K.
8. Name: Riyaz Ahmad Khan,  
DOB: 03.09.1985  
Father's Name: Abdul Gaffar Khan  
Address: Hyderpora, Srinagar,  
UT: J&K.
9. Name: HasratMehroof Khan,  
DOB: 01.12.1988  
Father's Name: Mohammad Mehroof Khan,  
Address: Balakote, Distt, Poonch,  
UT: J&K.
10. Name :Sayar Ahmad Wagay,  
DOB: 02.12.1985  
Father's Name: GulamQadirWagay,  
Address: RabenZinapoorा,  
Shopian,UT: J&K.
11. Name: MujtabaQadir,  
DOB: 04.01.1989  
Father's Name: GhulamQadir,  
Address: ShaheedGunj,  
Srinagar, UT: J&K.
12. Name: SuhailNazir,  
DOB: 11.06.1986  
Father's Name: Nazir Ahmad Sofi,  
Address: R/o Srinagar, Kashmir,  
UT: J&K.
13. Name:Fayaz Ahmad Dintoo,  
DOB: 08.04.1986  
Father's Name: Abdul SamadDintoo,  
Address: Kawari, HandwaraKupwara,  
Srinagar, Kashmir, UT: J&K.
14. Name :Luxmi Gupta,  
DOB: 11.03.1985  
Father's Name: Gurukesh Gupta,  
Address: R/o Thathri, Doda,  
UT: J&K.
15. Name: Sharvan Kumar,  
DOB: 04.03.1989



Father's Name: Vijay Kumar,  
 Address: Udhampur,  
 UT: J&K.

16. Name: NaziaIsrar,  
 DOB: 05.03.1988  
 Father's Name: Israr Ahmad Ganie,  
 Address: Sherwani Colony Khajabagh,  
 Baramulla Kashmir-193101,  
 UT: J&K.
17. Name :MehreenAltaf,  
 DOB: 10.04.1989  
 Father's Name: Mohd. AltafBakshi,  
 Address: 493 IqbalColony,  
 Indranagar, Srinagar, UT: J&K.
18. Name :AadilMushtaq,  
 DOB: 03.05.1986  
 Father's Name: Mushtaq Ahmad,  
 Address: Srinagar,UT: J&K.
19. Name :AmitKoul,  
 DOB: 06.06.1989  
 Father's Name: RajinderKoul,  
 Address: 41B, Omnagar, Udheywala,  
 Borhi, Jammu, UT: J&K.
20. Name: ArchanaKoulBazaz,  
 DOB: 29.12.1989  
 Father's Name: Late Ajay Bazaz,  
 Address: Durga Nagar,  
 Jammu, UT: J&K.
21. Name :Ashwani Kumar Reshi,  
 DOB: 01.01.1989  
 Father's Name: MadhusudanReshi,  
 Address: SaraswatiVihar, Borhi,  
 Jammu, UT: J&K.
22. Name :Rashmi Sharma,  
 DOB: 30.11.1988  
 Father's Name: Dr. Parveen Sharma  
 Address: Ward No.13Rajouri,  
 UT: J&K.
23. Name :Ravinder Kumar Thakur,  
 DOB: 06.03.1988  
 Father's Name: PuranChande,  
 Address: Zelna near New DC Office,



24. Kishtwar, UT: J&K.

24. Name :Kuldeep Singh,  
DOB: 06.06.1988  
Father's Name: Sadhu Ram,  
Address: R/o Beeran Bass Hochak,  
Tehsil PogalParistan  
District.Ramban, UT: J&K.

25. Name :WajahatMehran,  
DOB: 03.01.1989  
Father's Name: Khurshid Ahmed,  
Address: H.No. 730 M/C near  
Delhi Public School  
Residency Road, Jammu, UT: J&K.

..Applicants

(Ms. Sneha Mukherjee, Advocate)

### VERSUS

Union of India, Through  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training),  
North Block, Central Secretariat, New Delhi-110001.

..Respondent  
(Mr. Raghu Mehta, Senior Central Government Standing  
Counsel)

### ORDER (ORAL)

#### **Mr. Justice L. Narasimha Reddy:**

The applicants are the residents of the Union Territory of Jammu & Kashmir. In the context of stipulating the age limits for selections by different agencies, particularly those undertaken by the Union Public Service Commission (UPSC), Staff Selection Commission (SSC) for Services under the Central Government, the age limit was extended by five years for the residents of Jammu & Kashmir, who were domiciled in the State between 01.01.1980 and 31.12.1989. The measure was initially introduced

in the year 1997 and was continued upto 31.12.2019. The last of such notification was issued on 09.02.2018. Thereafter, it was not extended.



2. The applicants filed SWP No.2172/2020 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to issue writ of *mandamus* to the respondents to allow them to avail the benefit of relaxation contained in residents of Jammu and Kashmir (Relaxation of Upper Age Limit for Recruitment to Civil Services and Posts) Rules, 1997; and to quash the letter dated 31.12.2019, which restricted the relief up to that date.

3. The applicants contend that the very basis for extending the benefit of relaxation of age limit to certain sections of residents of Jammu & Kashmir was to compensate them for the inconvenience, hardship or loss, that occurred on account of the migration from the valley at that point of time due to militant activities and the same disadvantage or difficulty remain to the persons, who are in 30s their age, at present. They further contend that there was no justification for the respondents in withdrawing the benefit abruptly and without taking into account, the relevant factors.



4. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu and Kashmir and renumbered as T.A. No.5230/2021.
5. Today, we heard Ms. Sneha Mukherjee, learned counsel for applicants and Mr. Raghu Mehta, learned Senior Central Government Standing Counsel, at length.
6. The effort of the applicants is to get the benefit of relaxation of the maximum age limit by 5 years in the context of appearing in the competitive examinations held by the UPSC or SSC. It is a matter of record that in the 1990s, mass exodus of a section of citizens took place from the valley and thousands of families and the corresponding number of individuals were put to hardship of dislocation, in terms of employment and study as well. With a view to mitigate their hardship to certain extent, the Central Government has come forward with a set of Rules, relaxing the age limit of such persons by five years in the competitive examinations.
7. The facility remained in force upto 31.12.2017. No exemption was granted thereafter. It appears that the Government wanted to discontinue the facility from 01.01.2018 onwards. However, since the notification in that behalf was not issued, it was extended upto 31.12.2019 by issuing a notification dated 09.02.2018. To avoid any further confusion, it was clearly mentioned in the paragraph (7) "These rules shall remain in force

till the 31<sup>st</sup> day of December, 2019 and there shall be no further extension beyond the said period.”



8. The notification itself was to expire w.e.f. 31.12.2019. The clause was not challenged by anyone at the relevant point of time. The result was that there did not exist any facility of relaxation of age limits beyond 31.12.2019. In other words, the competitive examinations held in the year 2020 and till now, in the year 2021, were without the benefit of age relaxation to certain sections of the residents of Jammu & Kashmir.

9. The applicants may be having their own genuine problems, if the age limits are applied to them on par with other candidates across the country. The fact, however, remains that it would be difficult for the Tribunal to resurrect the benefit, once ceased to be in operation for more than one year. Secondly, the extension of said benefit is on the basis of several factors and through a policy decision. The Tribunal cannot undertake such an exercise in the context of extension of benefit of a situation to the candidates from Jammu & Kashmir on the one hand and those from other parts of the country on the other. The Constitution of India does not permit of such a classification and thereby the discrimination.



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

**( Mohd. Jamshed )**  
Member (A)

**( Justice L. Narasimha Reddy )**  
Chairman

**May 11, 2021**  
/sunil/rk/sd/