

(2026) 03 CAT CK 0412

In the Central Administrative Tribunal, Jammu Bench, Jammu

Case No : Transfer Application No. 331 Of 2020, Original Application 1359 Of 2025

Dilip Pandita & Ors

APPELLANT

Vs

State Of Jammu & Kashmir & Ors

RESPONDENT

Date of Decision : 13-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 14

Citation : (2026) 03 CAT CK 0412

Hon'ble Judges : Rajinder Singh Dogra, Member (J); Ram Mohan Johri, Member (A)

Bench : Division Bench

Advocate : Ankesh Chandel, Sudesh Magotra

Final Decision : Allowed

Judgement

Rajinder Singh Dogra, Member J

1. The SWP /WPC/515/2019 was transferred from the Hon'ble High Court of Jammu & Kashmir at Jammu and was registered as T.A No.331/2020 by the Registry of this Tribunal.

2. The present matter was filed before the Hon'ble High Court seeking following relief: -

TA 331/2020

In view of the submissions made herein above and those to be urged at the time of hearing it is most respectfully prayed that the Hon'ble Court may very graciously be pleased to allow the present petition by granting the following reliefs in favour of the petitioners in the interest of justice: -

(a) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents more particularly respondent no. 2 and 3 to declare the petitioners as selected against different posts advertised under the

Hon'ble Prime Minister's Special Package for Kashmiri Migrants vide advertisement notice 01 of 2010 dated 12.01.2010, advertisement notice No.01 of 2012 dated 19.07.2012 and advertisement notice no. 05 of 2015 dated 01.09.2015, advertisement notice of ?? 06 2015 dated 01.09.2015, advertisement notice no. 04 of 2017 dated 28.11.2017 and advertisement notice no. 1 of 2018 dated 21.02.2018 which could not be filled up due to non-availability of candidates belonging to reserved categories, in view of such posts having been de-merited by the Government vide government order No. 10-DMRRR of 2019 dated 06.03.2019 and in view of the petitioners having competed in the process of selection.

(b) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents 2 and 3 to make necessary recommendations in favour of the petitioners for their appointment against the posts which could not be filled up due to non-availability of candidates belonging to reserved categories, in view of such posts having been de-merited by the Government vide government order No. 10-DMRRR of 2019 dated 06.03.2019 and in view of the petitioners having competed in the process of selection.

(c) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents not to fill the vacant posts which could not be filled up due to non-availability of candidates belonging to reserved categories, in view of such posts having been de-merited by the Government vide government order No. 10-DMRRR of 2019 dated 06.03.2019.

(d) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents not to re-advertise the unfilled posts advertised vide advertisement notices. afore-stated

(e) Any other relief, which this Hon'ble Court in the facts and circumstances of the case deems fit and proper.

2. OA 1359/2025

In view of the facts mentioned in para 4 above the applicants pray for the following relief

A) Direct the respondents more particularly respondent no 2 and 3 to declare the applicant as selected against the different posts advertised under the Hon'ble prime minister's special package for kashmiri migrants vide advertisement notice no. 03 of 2020 dated 01.12.2020 which could not be filled up due to non-availability of the candidates belonging to the reserved categories, in lieu of posts of 2019 dated 06.03.2019 and in view of the applicant having competed in the process of selection.

B) Direct the respondents 2 and 3 to make necessary recommendations in favour of the applicant for her appointment against the posts which could not be filled up due to non-availability of candidates belonging to reserved categories, in view of such posts having been de-merited by the government order no. 10-DMRRR

of 2019 dated 06.03.2019 and in view of the applicant having competed in the process of selection pursuant to advertisement no. 03 of 2020 dated 01.12.2020 wherein against posts for reserved categories i.e. SC and OSC were advertised whereas the fact of the matter is that there are no candidates available under SC or OSC amongst Kashmiri migrants.

C) Direct the respondents not to fill the vacant posts which could not be filled up due to non-availability of candidates belonging to reserved categories, in view of such posts having been de-reserved by the government vide government order no. 10-DMRRR of 2019 dated 06.03.2019 and also non availability of candidates amongst SC or OSC category.

D) Any other relief, which this Hon'ble Tribunal in the facts and circumstances of the case deems and proper may also kindly be passed in favour of the applicant.

e) Pending final decision on the application, the applicant seeks the following interim relief: It is, therefore, most respectfully prayed that the respondents 2 and 3 may be directed to forward /recommend the name of the Applicant for her appointment to the post against which the applicant competed in the selection process to the posts of Sub-Inspector, Assistant Compiler, Depot Assistant advertised vide notification no. 03 of 2020 dated 01.12.2020 under PM package for Kashmiri Migrants and non-migrant Kashmiri pandits carried out by respondents 2 and 3 in the reference to the advertisement notice issued in the year 2020 and to direct the respondents not to fill up one post till such time frame as may be stipulated by this Hon'ble Tribunal.

3. The present matters, namely TA No. 331/2020 and OA No. 1359/2025, involve a large number of applicants who belong to the category of Kashmiri Migrants residing in migrant camps in Jammu. The applicants claim that they were entitled to consideration for appointment under the scheme formulated by the Government for rehabilitation and employment of Kashmiri Migrants, but despite their eligibility and participation in the selection process, they were not given the benefit which was extended to similarly situated candidates.

4. The applicants submit that they had applied pursuant to the recruitment process conducted through the Service Selection Recruitment Board (SSRB) for posts meant for migrants under the control of the Relief and Rehabilitation Department, Government of J&K. They state that they fulfilled all eligibility conditions and were awaiting fair consideration. However, according to them, the respondents failed to treat them in the same manner as other candidates who were placed similarly. They therefore approached the Tribunal seeking directions for their appointment or at least consideration against the available vacancies meant for migrants.

5. The respondents filed their reply and submitted that the recruitment process had been conducted in accordance with the rules and that only those candidates who fell within the zone of selection could be appointed. It was further stated that the applicants could not claim appointment as a matter of right and that the

selection process had already been finalized. The respondents also contended that the claims raised by the applicants were belated and therefore not liable to be entertained.

6. We have heard learned counsel for the parties and carefully examined the record.

7. At the outset it is necessary to note that the controversy involved in the present matter is not *res integra*. The Tribunal had occasion to consider an almost identical issue in TA No. 8294/2021 and other connected matters, where similarly placed migrant candidates had approached this Tribunal seeking consideration for appointment under the migrant quota. In that case the Tribunal examined the entire scheme, the recruitment process and the rights of the applicants, and ultimately held that the candidates who fulfilled eligibility conditions and were otherwise entitled could not be deprived of consideration merely because of procedural irregularities or administrative delay.

8. The Tribunal in that judgment emphasized that the purpose of the scheme framed by the Government was rehabilitation and employment of displaced persons, and therefore the authorities were expected to implement it in a fair and equitable manner. It was further observed that similarly situated candidates must be treated alike and that arbitrary exclusion from consideration would violate the guarantee of equality under Article 14 of the Constitution.

9. The facts of the present case show that the applicants belong to the same class of displaced migrants and had participated in the recruitment process meant for them. Nothing has been placed on record to show that the applicants were ineligible or that their claims were examined on merits and rejected for valid reasons. On the contrary, the record indicates that the issue involved here is essentially identical to the one which has already been decided by this Tribunal in the aforesaid judgment.

10. Another important aspect which cannot be ignored is the fact that the applicants belong to a displaced community which has already suffered prolonged hardship. The scheme under which these appointments are made was intended to provide them rehabilitation and livelihood. Therefore, the authorities are expected to implement the scheme in its true spirit and not defeat its purpose by adopting a narrow or technical approach.

11. Keeping in view the judgment already delivered in TA 8294/2021 and connected matters, and considering the facts and circumstances of the present case, we are of the considered view that the applicants deserve the same treatment which has been granted to similarly situated persons.

12. Accordingly, the present TA No. 331/2020 and OA No. 1359/2025 are allowed. The respondents are directed to appoint the applicants against the posts meant for Kashmiri Migrants in accordance with the applicable rules and the scheme formulated by the Government. If vacancies are available, the applicants

shall be appointed against such posts. In case the vacancies are not immediately available, the respondents shall accommodate the applicants against the next available vacancies meant for the migrant category or by creating supernumerary posts.

13. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

14. No order as to costs.