
(2022) 05 CAT CK 0004

In the Central Administrative Tribunal

Case No : Original Application No. 61, 417 Of 2022

Dr. Rameshwar Groach

APPELLANT

Vs

Union Territory Of Jammu And Kashmir & Others

RESPONDENT

Date of Decision : 02-05-2022

Acts Referred:

Citation : (2022) 05 CAT CK 0004

Hon'ble Judges : Dr. Bhagwan Sahai, Member (A)

Bench : Single Bench

Advocate : Ankur Sharma, Sudesh Magotra, Rajesh Thapa

Final Decision : Dismissed

Judgement

Dr. Bhagwan Sahai, Member (A)

Hearing through video conferencing

1. Present:- Mr. Ankur Sharma, Counsel for the applicant and Mr. Sudesh Magotra, DAG for respondent No. 1, Mr. F.A. Natnoo, Counsel for respondent No. 2 and Mr. Rajesh Thapa, DAG for respondent No. 3.

2. Heard all of them.

3. Shri Sharma pleads that the applicant had applied for selection for the post of Assistant Professor (Botany) and in the select list prepared by J&K PSC he was at Srl. No.1. However, in the meantime the respondents by circular issued by GAD dated 03.02.2022 have withdrawn all the requisitions sent to J&KPSC before 30.10.2019 and vide communication dated 30.03.2022, the respondents have communicated to the J&K PSC to readvertise various vacancies. Shri Sharma further pleads that selection of the applicant had taken place before the earlier requisitions sent to the J&K PSC were withdrawn by the circular of 03.02.2022.

Shri Sharma further submits that earlier a Writ Petition was filed before the High Court and in its orders dated 12.04.2019, the respondents were directed to

interview the applicant. The same order was later on reiterated by the Tribunal on 10.12.2019 and 28.12.2021 and the respondents were directed to produce the record of selection but the record was not submitted by the respondents.

Therefore, the respondents should be directed to conclude the selection process of the applicant for the post of Assistant Professor (Botany) without being influenced by the circular of 03.02.2022. Hence this OA.

4. Shri Sudesh Magotra and Shri Rajesh Thapa submit that the circular issued by GAD on 03.02.2022 is a policy decision of the Government in view of the conversion of the earlier State of J&K into Union Territory of J&K and Ladakh, and, therefore, the Tribunal cannot interfere with the policy decision of the Government.

5. Shri Natnoo submits that the circular of 03.02.2022 issued by GAAD is a policy decision of the Government and the J&K PSC is bound by the policy decisions of the Government and this O.A. is not maintainable because in the earlier T.A. only as per the order of interim relief, the applicant was allowed to be interviewed and that T.A. is yet to be decided. Therefore, instead of filing this O.A. as independent O.A., the applicant may seek amendment to the pending T.A. for the relief against the subsequent orders of the Government. Shri Maagotra and Shri Thapa also raise the same issue and contend that filing of this O.A. as an independent O.A. is not main when the subject matter of the application is already pending in another T.A. and, the is not maintainable.

5. In view of the above submissions of Ld. Counsel for the respondents, Shri Sharma seeks permission to wiithdraw this O.A. and to file an M.A. for amendment of the already pending T.A. No. 61/66461/2020.

6. On consideration of the above submissions, this O.A. is dismissed as withdrawn with permission to the applicant to seek necessary amendment in the T.A. No. 61/6461/2020.