

(2023) 11 J&K CK 0057

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 2953 Of 2023, Civil Miscellaneous Case No. 7059 Of 2023, Cavt. No.1922 Of 2023

Kherun Nissa & Ors

APPELLANT

Vs

UT Of J&K And Others

RESPONDENT

Date of Decision : 29-11-2023

Acts Referred:

Citation : (2023) 11 J&K CK 0057

Hon'ble Judges : N. Kotiswar Singh, CJ;M. A. Chowdhary, J

Bench : Division Bench

Advocate : Rahul Panth, Arushi Shukla, Abinav Sharma, Abirash Sharma, F. A. Natnoo

Final Decision : Disposed Of

Judgement

1. The present writ petition has been filed against the interim order dated 26.10.2023 passed by the learned Central Administrative Tribunal in OA No.1407/2023 titled Agha Zahid Raina and others v. Union Territory of J&K and others, whereby the operation of the Government order No.416-PW(R&B) of 2023 dated 12.10.2023 placing the petitioners along with others as I/C Assistant Executive Engineers, has been stayed.

2. It has been submitted that the impugned order was passed in ex-parte on the basis of the submissions advanced by the applicants, respondents herein, that they being senior to the non-applicants/ petitioners should have been placed as I/ C Assistant Executive Engineers instead of the petitioners/ non-applicants and the learned Tribunal, accordingly, proceeded to stay the operation of the Government order dated 12.10.2023 till next date of hearing, without giving an opportunity of hearing to the petitioners.

3. It is submitted that the matter is fixed for further hearing on 1st December, 2023.

4. Since the order under challenge in the present writ petition is an interlocutory

order, we are not inclined to interfere with the same at this stage and leave it open to the learned Tribunal to consider the interim application on merits on the next date of hearing and pass fresh order after hearing learned counsel for the contesting parties. We make it clear that interim stay granted vide order dated 26.10.2023, however, shall not be extended beyond the next date of hearing unless the petitioners/ non-applicants are heard in the matter. The writ petitioners/ non-applicants shall be at liberty to file their pleadings by or before the next of hearing and shall remain present on the next date fixed by the learned Tribunal.

5. At the prayer of learned counsel for the parties, we request the learned Tribunal to consider the OA Nos.548/2023 and 1407/2023 filed by the parties together as early as possible in order to avoid any delay in the matter.

6. The writ petition is, accordingly, disposed of with the aforesaid observations.