

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. WP(C) No. 1011/2025
Date of pronouncement:- 03.12.2025
Date of uploading:- 05.12.2025

Abhilash Tikoo

.....Appellants

Through: Mr. Dhruv Pant, Advocate

Vs

UT of J&K and ors.

..... Respondents

Through: Ms. Nisha Kangotra, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Ms. Saliqa Sheikh, Assisting Counsel
to Mr. Raman Sharma, AAG
Mr. Abhinav Sharma, Sr. Advocate
with Mr. Abhirash Sharma, Advocate

**CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**
ORDER
03.12.2025

1. The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of Constitution of India seeking quashment of the order dated 29.11.2024 passed by the learned Central Administrative Tribunal (CAT) in **OA No. 1313/2024** titled "*Harpal Singh and anr. Vs. UT of J&K and ors.*".
2. To be brief, respondent No. 3, i.e. J&K Service Selection Board has issued Advertisement Notice No. 6 of 2020 dated 29.12.2020 inviting applications for the posts of Assistant Labour Procurement Officer in Home Department and vide Advertisement Notice No. 5 of 2020 dated 24.12.2020, applications came to be

invited for different posts including the post of Copy Holder (English) in the Divisional Cadre, Jammu, respectively.

3. Since the combined test was conducted for both the posts, therefore, result of written examination was notified by respondent No. 3 on 12.06.2024 wherein, respondents No. 4 & 5, shown to have secured 108 and 89.75 points, respectively, however, both the respondents were not called for document verification whereas, petitioner said to have secured 88.25 points, but was called for verification, however, later on, it came to fore that due to registration of case against respondents No. 4 & 5 being FIR No. RC0042022A0011 dated 28.11.2022 being investigated by Central Bureau of Investigation, they could not be called for the verification of documents.

4. In the above backdrop, respondent No. 4-Harpal Singh has filed OA No. 1313/2024, titled Harpal Singh Vs. UT of J&K through Home Department, wherein, at the motion hearing stage, as an interim measure, vide impugned order dated 29.11.2024, the learned CAT has passed the following order:-

“In the meantime, the respondents are directed to verify the documents of the applicant and consider the applicant for selection and if the applicant will be selected then appointment should be given to him. FIR lodged against the applicant would not come in the way of selection process. The whole process of selection and joining would be subject to final outcome of this OA as well as the outcome of FIR.”

It is this order, which came to be challenged by way of present petition on different counts.

5. Learned counsel for the petitioner submits that the CAT vide impugned order has granted the final relief without hearing the other side and also the impugned order has necessarily taken away valuable right of consideration of the petitioner at his back.

6. At this stage, learned counsels for the respondents made statement at bar that they have no objection in case the impugned order is set aside and matter is remanded to the CAT for disposal after hearing the parties.

7. Be that as it may, ex-facie, the learned CAT appears to have granted final relief without providing the opportunity of being heard to the other side as such, the impugned order has a direct effect of depriving the petitioner of his legitimate right to be considered for appointment to the post in question, therefore, the same does not sustain having passed in violation of rules of natural justice.

8. Having regard to the statement made by learned counsels for the respondents and also keeping in view the effect of the impugned order over the right of the petitioner to be considered against the post in question, the impugned order passed by the learned CAT in OA No. 1313/2024 dated 29.11.2024 is set aside and matter is remanded to learned CAT for disposal under law after providing adequate opportunity of being heard to the parties. However, in view of the submission made by learned counsel for the petitioner, the liberty is granted

to him to lay a motion for his impleadment as party respondent before the learned CAT in OA No. 1313/2024 and the learned CAT shall consider the prayer expeditiously.

9. Disposed of.

(SHAHZAD AZEEM)
JUDGE

(SINDHU SHARMA)
JUDGE

JAMMU
03.12.2025
Tarun/PS

