

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

**Case No.** WP(C) No. 1405/2025  
CM No. 3318/2025

UT of J&K and ors.

.....Petitioner(s)

Through :- Mrs. Monika Kohli, Sr. AAG.

v/s

Kishore Kumar Gupta

.....Respondent(s)

Through :- Mr. Priyanshu Sharma, Advocate.

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE  
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER(ORAL)**

**04.08.2025**

1. This petition filed by the Union Territory of Jammu and Kashmir and two others is directed against an order and judgment dated 21.10.2024 passed by the Central Administrative Tribunal, Jammu Bench (in short, "*the Tribunal*") in O.A. No. 1060/2021 titled, "*Kishore Kumar Gupta Vs. UT of J&K and ors.*", whereby the Tribunal has, while allowing the writ petition, directed the petitioner No. 1 herein to regularize the services of the respondent as Chief Engineer. The impugned judgment is called-in-question by the petitioners merely on the ground that the services of the respondent as Chief Engineer could not be regularized in the meeting of the Departmental Promotion Committee (*DPC*) held on 10.01.2020, as at the relevant point of time a departmental inquiry against him was pending.

2. *Per contra*, learned counsel for the respondent submits that it is true that on 10.01.2020, when the DPC met to regularize the services of incharge Chief Engineers, there was a departmental inquiry pending against the

respondent. However, the DPC with a view to consider the regularization of the respondent at later stage, upon conclusion of the departmental inquiry, kept one post of the Chief Engineer reserved and deferred the consideration. The respondent was, however, exonerated of all charges, as is apparent from the Communication dated 14.02.2020. It is, thus, submitted that after exoneration, the matter ought to have been considered by the petitioners for regularizing the services of the respondent as Chief Engineer, the decision whereof was deferred in the meeting held on 10.01.2020. It is, thus, argued that the Tribunal has rightly considered the matter and has issued the directions to the petitioners to regularize the services of the respondent as Chief Engineer.

3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal is factually and legally perfect and, therefore, does not call for any interference by us in these proceedings.

4. It is true that on 10.01.2020, when the case of the respondent for regularization as Chief Engineer, Irrigation and Flood Control Department was taken up for consideration, a departmental inquiry was pending against him. However, in such situation, the petitioner ought to have adopted the sealed cover procedure, but the same was not done and the consideration was deferred, awaiting the outcome of the departmental inquiry pending against the respondent. The respondent was ultimately exonerated of all the charges, as is apparent from the Communication dated 14.02.2020 addressed by the Chief Engineer, Irrigation and Flood Control Department to the Commissioner Secretary to the Government, Department of PHE I&FC. As a matter of fact, the petitioners had admitted this fact in their objections filed before the Tribunal. If that be the fact situation, we see no reason or justification with the petitioners

to deny regularization of the respondent as Chief Engineer after his exoneration in the departmental inquiry.

5. It is not a case of the petitioners that the respondent was not entitled to be regularized as Chief Engineer because of his ineligibility or otherwise. The only reason, for which, he was denied regularization in the meeting held on 10.01.2020 was the pendency of the regular departmental inquiry against him, in which, he was subsequently exonerated in the month of February, 2020 itself. On exoneration, it was incumbent upon the petitioners to consider the case of the respondent for his regularization as Chief Engineer, the petitioners, however, have failed to do so, constraining the respondent to approach the Tribunal.

6. For the foregoing reasons, we do not find any good ground made out for admitting this petition. The view taken by the Tribunal on the admitted facts of the case is correct and exceptionable. For all these reasons, we find no merit in this petition and the same is, accordingly, **dismissed** alongwith connected applications.

(Sanjay Parihar)  
Judge

(Sanjeev Kumar)  
Judge

JAMMU  
04.08.2025  
Ram Krishan