

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

Case No. WP(C) No. 1527/2025
CM No. 3559/2025
Caveat No. 1246/2025

Atul Kumar, Secretary J&K Services Selection Board,
Jammu and Anr.

.....Petitioner(s)

Through :- Mr. Raman Sharma, AAG.

v/s

Raghudev Singh and ors.

.....Respondent(s)

Through :- Mr. Sumit Moza, Advocate.

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

ORDER(ORAL)

04.08.2025

1. This is a petition under Article 226 of the Constitution of India filed by the petitioners to throw challenge to an order dated 19.10.2024 passed by the Central Administrative Tribunal, Jammu Bench (*in short*, "***the Tribunal***") in contempt petition No. 61/225/2024, whereby the Tribunal has called upon the petitioners herein to file a supplementary affidavit, indicating therein clearly as to whether any candidate possessing the ITI Diploma Certificate in Building Construction from the Kissan Institute of Technology, R.S. Pura, Jammu obtained on or before the academic session 2010, has been given appointment in the department or not. The impugned order is called-in-question by the petitioners, primarily, on the ground that a direction passed is tantamount to holding an exercise, which ought to have been conducted while disposing of the petition. In a nutshell, the argument of Mr. Raman Sharma, learned AAG is that the direction contained in the impugned order expands the scope of directions

contained in the judgment, of which the violation is alleged in the contempt petition.

2. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order impugned passed by the Tribunal is only with a view to ensure that a concluded judgment passed by the Tribunal dated 21.09.2023 is complied with by the petitioners in letter and spirit. For the facility of reference, the operative portion of the judgment of the Tribunal reads as under:-

“12. We dispose of the O.A. in the same lines as observed by this Tribunal in T.A. No. 8282/2020 in deciding the T.A., on the ground of parity, making it clear that in case any candidate, who studied ITI in building construction trade from Kissan Institute of Technology, R.S. Pura, Jammu before the academic year 2010 was treated as qualified, the case of the applicant shall also be considered. We also make it clear that in case the applicant happens to be selected, his appointment shall be prospective in nature, in all respects. The impugned order dated 30.3.2017 is quashed and set aside. The exercise in this behalf shall be completed by the Respondent Nos. 1 & 2 within six weeks from the date of receipt of a copy of this order.”

3. From the plain reading of para-12 of the judgment dated 21.09.2023, it clearly transpires that the Tribunal while allowing the O.A filed by the respondents clearly and unequivocally directed the petitioners herein to consider the respondents as “qualified”, provided the petitioners have selected and appointed a candidate with a similar qualification obtained from Kissan Institute of Technology, R.S. Pura, Jammu before academic year 2010.

4. The respondents in their contempt petition asserted that there were candidates with similar qualification selected and appointed by the petitioner and, therefore, he cannot be discriminated and the judgment passed by the Tribunal has to be given effect to. With a view to verify this aspect, the Tribunal has called upon the petitioners to file a better compliance by way of a supplementary affidavit. We fail to understand as to how this direction for the better compliance, having regard to the nature of controversy involved, could be

found fault with. The Tribunal has rightly proceeded in the matter and the limited inquiry, that is required to ensure the implementation of the judgment, has only been embarked upon.

5. For the foregoing reasons, we find no merit in the instant petition and the same is, accordingly, ***dismissed*** alongwith connected applications.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
04.08.2025
Ram Krishan

