

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

WP (C) No. 2141/2025

CAV No. 1078/2025

1. UT of J & K through Applicant(s)/Petitioner(s)
Principal Secretary to the Govt.,
Agriculture Production Department,
Civil Secretariat, Jammu.
2. Director Agriculture Department,
UT of J & K, Jammu.
3. Chief Agriculture Officer,
Udhampur.
4. Chief Agriculture Officer,
Reasi.

Through :- Mr. Suneel Malhotra, GA

v/s

1. Chander Mohan, ...Respondent(s)
S/o Sh. Darshan Kumar Gupta,
R/o H. No. 167, Ward No. 16,
Dina Nagar, Udhampur.
2. Anil Gupta,
S/o Sh. Bodh Raj,
R/o H. No. 80, Ward No. 14,
Sallian Talab, Udhampur.
3. Jaimala,
D/o Sh. Madan Lal,
R/o H. No. 43, Ward No. 09,
Arya Samaj Gali, Udhampur.
4. Sanjeev Bali,
S/o Sh. Madan Lal Bali,
R/o Village Aghar Ballian,
Tehsil & District Reasi.

Through :- Mr. Abhinav Sharma, Sr. Advocate with
Mr. Abhirash Sharma, Advocate

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

**ORDER
08.08.2025**

CAV No. 1078/2025

1. Heard learned Senior counsel appearing for the caveators.

2. ***Caveat stands discharged.***

WP (C) No. 2141/2025

1. This petition by the petitioners, filed under Article 226 of the Constitution of India, is directed against an order and judgment dated 05.02.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in TA No. 61/4983/2020 titled *“Chander Mohan & Ors. Vs. State of J & K & Ors.”* whereby, the Tribunal has, while allowing the TA, only directed the petitioners herein to release the arrears of salary of the respondents herein, if any pending, in accordance with relevant rules within a period of six weeks.
2. The impugned order is challenged by the petitioners primarily on the ground that the Tribunal has failed to appreciate that with the issuance of order of postings in favour of the respondents, the petition before the Tribunal had been rendered infructuous and no directions were called for.
3. *Per contra*, Mr. Abhinav Sharma, learned Senior counsel appearing for the respondents submits that the Tribunal has not issued any positive directions to the petitioners except calling upon them to pay the arrears of salary, if any, due to the respondents.
4. **Having heard learned counsel for the parties and perused the material available on record**, it is necessary to first set out the prayer clause of the writ petition/T.A filed by the respondents herein i.e. T.A No. 4983/2020, which reads as under:
 - (a) ***Command and direct the respondents to post the petitioners no. 1 to 3 as Village Agriculture Extension Assistants in Udhampur District, in the same manner as***

had been done in the case of 32 similarly situated persons, vide Agriculture Order No. 57/E of 2015 dated 15.04.2015 and release the pending salary of the petitioner nos. 1 to 3.

(b) Command and direct the respondents to post the petitioner no. 4, as Village Agriculture Extension Assistant in Reasi District, in the same manner as has been done in the case of 13 similarly situated persons, vide Agriculture Order No. 55/E of 2015 dated 15.04.2015 and release the pending salary of petitioner no. 4.

5. From a reading of petition of the respondents and the prayer made therein, it is abundantly clear that the only grievance that is projected by the respondents in their petition before the Tribunal is that, though, pursuant to their regularization as Village Agriculture Extension Assistants w.e.f. 01.04.2014, they have joined in the office of Chief Agriculture Officer concerned, yet, no formal orders of their posting have been issued by the latter. There was also a prayer made for release of pending salary of the respondents.
6. During the pendency of the petition, it was brought to the notice of the Tribunal that in compliance with the interim order passed in the petition, the respondents stood posted at Panchayat Level on the analogy of similarly situated persons and, therefore, the petition had been rendered infructuous. In such situation, there was hardly any need for the Tribunal to get into the consideration and adjudication of the rival contentions and it was in the fitness of things to dismiss the petition as having been rendered infructuous. However, the Tribunal may have issued a direction for release of pending salary

of the respondents, which was also one of the reliefs claimed in the petition.

7. From a reading of the order impugned, we find that the Tribunal has unnecessarily and without being invited, ventured into an unchartered territory and has rendered some findings which may prejudice one party or the other. We are of the considered opinion that such a debate was not called for.
8. For the foregoing reasons, **we disposed of this petition** by holding that with the passing of posting orders of the respondents as Village Agriculture Extension Assistants in the Panchayats concerned on the analogy of similarly situated persons, the TA filed by the respondents was rendered infructuous and, therefore, the same ought to have been dismissed by the Tribunal with the only direction to the petitioners herein to release the pending salary, if any, of the respondents. As a matter of fact, in the operative portion of the order impugned, the Tribunal has passed a similar direction. The operative portion of the order impugned passed by the Tribunal is, therefore, correct and does not call for any interference. However, we make it clear that any observations made by the Tribunal on the merit of controversy, which we have already held, were uncalled for, shall not prejudice either of the parties in their future pursuits.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
08.08.2025
Manan

<i>Whether the order is speaking :</i>	<i>Yes/No</i>
<i>Whether the order is reportable :</i>	<i>Yes/No</i>