

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 364/2024

ZAHOOR AHMAD DAR & ANR

...Petitioner/Appellant(s)

Through: Mr. Faizan Majid, Adv. with
Mr. Sajid Ahmad Bhat

Vs.

UT OF JK AND OTHERS

...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Mr. Mohd Younis Hafiz, AC

CORAM:

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

ORDE R

23.12.2025

1. Impugned in this petition is an order and judgment dated 30th November, 2023, passed by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in OA No. 877/2023, titled "***Zahoor Ahmad Dar & Anr. Vs. UT of JK & Ors.***", whereby the Tribunal has rejected the OA of the petitioners on the ground that it is barred by limitation.
2. Having heard learned counsel for the parties and perused material on record, we are of the considered opinion that the approach adopted by the Tribunal is not correct in law. It is true that the cause of action originally accrued to the petitioners to assail the selection and appointment of private respondents as SGCT(M) in the year 2013, when the impugned selection was made. The petitioners approached the Tribunal almost after a decade, but the Tribunal instead of dismissing the OA on the ground of limitation, entertained the same and disposed of it with a direction to the respondents to treat it as a representation and take a decision thereon by passing a reasoned speaking order within a period of four weeks.

3. In compliance with the aforesaid direction, a Committee was constituted by the respondents to examine the grievance raised by the petitioners. The Committee found prima facie substance in the grievance raised and came to the conclusion that the two different yardsticks adopted while calculating the typing speed of the petitioners and the private respondents were not in accordance with the prescribed procedure of evaluation.
4. The Government, however, did not accept the findings of fact returned by the Committee and, in terms of the Government Order No. 2086 of 2023 dated 14th July, 2023, rejected the claim of the petitioners. The issuance of the Government Order 2086 of 2023 dated 14th July, 2023 gave a fresh cause of action to the petitioners to approach the Tribunal. It seems that the Tribunal did not view the controversy in this perspective and took it as if the petitioners had approached the Tribunal after more than a decade, therefore, their OA was barred by limitation. All this happened at the motion hearing stage when even the notice was not issued to the respondents.
5. In view of the aforesaid, we are inclined to allow this petition and set aside the order passed by the Tribunal. ***Ordered accordingly.***
6. Let the matter go back to the Tribunal for adjudication of the Original Application on merits, after putting the respondents to notice and providing them adequate opportunity to defend the case.
- 7. Disposed of.**

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

23.12.2025

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