

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 136/2026
CM No. 339/2026
CAV No. 2986/2025

Date of pronouncement: **02.02.2026**

Date of uploading: **03.02.2026**

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| 1. UT of J&K, through its Principal Secretary to Govt., Forest Deptt., Civil Secretariat, U. T. of J&K at Jammu; | Appellant(s)/Petitioner(s) |
| 2. Director Forest Protection Force, Jammu. | |

Through: Mr. Vishal Bharti, Dy. AG

vs

- | | |
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| 1. Mohd Ashraf Butt, age 36 years
S/o Ghulam Hussain R/o Keshwan, Tehsil and Distt. Kishtwar. | Respondent(s) |
| 2. Mohd. Ayub, age 50 years
S/o Mohd. Sharief R/o Masjid Mohalla, Bhadarwah, Distt. Doda. | |
| 3. Ahsan-Ul-Haq, age 49 years
S/o Gh. Rasool, R/o Mohalla Nagar, Bhadarwah, Distt. Doda. | |
| 4. Annayat Ullah Tak, age 49 years
S/o Abdul Qayoom R/o Dhalina, Tehsil Gandoh, Distt. Doda | |
| 5. Rishi Kumar, age 48 years S/o Ferol Chand, R/o Mohalla Dhall, Tehsil and Distt. Doda. | |
| And 70 others. | |

Through: Mr. Faheem Shokat Butt, Advocate

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

ORDER (ORAL)
02.02.2026

Sanjeev Kumar 'J'

CAV No. 2986/2025

1. Heard learned counsel for the petitioners as also the caveators.

2. With the appearance of learned counsel for the caveators, the caveat stands discharged.

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3. Impugned in this petition, filed by the Union Territory of J&K, is an order and judgment dated 01.03.2024, passed by the Central Administrative Tribunal, Jammu Bench, Jammu in TA No. 5805/2021 (SWP No. 392/2011) in case titled "*Mohd. Ashraf Butt and others Vs. State of J&K & others.*", whereby the Tribunal has, while allowing the petition of the respondents, directed the petitioners herein to grant promotional service benefit w.e.f. 24.10.2000 to 07.02.2007.
4. Before we advert to the grounds of challenge, urged by Mr. Vishal Bharti, learned Dy. AG, appearing for the petitioners, we deem it appropriate to notice few facts, which are germane to the disposal of this petition.
5. Vide advertisement notification No. 03/1996 dated 24.12.1996, a process of selection was initiated by the J&K Service Selection Board (SSB) for filling up of 158 posts of Forest Guards in the Forest Protection Force in the erstwhile District of Doda. The process of selection took almost four years to conclude. The selected candidates, including the respondents herein were appointed vide order dated 24.10.2000. The selected candidates, including the respondents herein, were also put to undergo requisite training in the Punjab Police Training Academy, Phillour. While they were performing their duties as Forest Guard in the petitioners' department, some candidates who failed to make it to the selection filed SWP No. 651/2000 titled

“Bhushan Lal and other Vs. State of J&K & others” and challenged the selection and appointment of the candidates, including the respondents herein. The said petition was disposed of by a Bench of this Court vide order dated 15.04.2002, with a direction to the Chief Secretary to examine the allegations of interpolations etc. made by the aggrieved candidates. The Chief Secretary, who was directed to examine the allegations of interpolations in the selection record, however, decided to cancel the selection process as well as the appointments of the selected candidates, including the respondents herein. This was done by an order issued by the Government in GAD on 03.01.2003. This gave rise to a further litigation in the matter. The respondents herein and other similarly situated persons, who stood appointed pursuant to the selection made by SSB, filed SWP No. 384/2003, which along with other connected matters was considered by a Single Bench of this Court and vide an order and judgment dated 15.04.2005 was dismissed.

6. The LPAs preferred by the respondents herein and other similarly situated persons, registered as LPA Nos. 54/2005 and 55/2005, came to be disposed of by a Division Bench of this Court vide judgment dated 26.04.2006 by directing as under:

“That State-respondent shall constitute a committee comprising of Chairman, Public Service Commission, Chief Secretary, Secretary, General Administration Department and Chairman, SSRB within two weeks from the receipt of this order. This Committee shall undertake a fresh exercise of examining the selection record along with any relevant contemporaneous record including the allegations made by the non-selected candidates in their writ petitions as also the

report of the Vigilance Organization. All the appellants hereinabove shall appear before this Committee on date(s) to be fixed by the Committee on their own for being given a hearing by the Committee in respect of the allegations made against them and their selection. Similarly, those non-selected candidates who had filed batch of writ petition shall also be asked to appear before the Committee on their own if they are so advised for being accorded a hearing in support of their allegations on a date to be fixed by the Committee and notified in a public matte. If any of the appellants fail to appear on his own on the fixed dates, the Committee shall not be obliged to re-summon him/her for any further hearing. Such authority shall, thereafter, proceed to pass appropriate orders in the matter un-influenced by anything said or expressed in the orders passed between the parties till date. This decision shall be binding on all the parties and more particularly, the appellants shall execute an undertaking before this Court to abide by that decision within week. In case the State-respondent decides to quash the selection and cancel the appointments, it shall take further necessary steps to hold a fresh selection for the post of Forest Protection Guard and complete selection process within four months from the date of decision.”

7. It seems that in compliance with the judgment passed by the Division Bench dated 26.04.2006(supra), a Committee was constituted to go into the allegations of malpractices and interpolations in the selection process. Upon receipt of report of the Committee, it was found that the selection and consequent appointment of the respondents herein was genuine and did not suffer from any illegality or interpolations. However, with regard to some candidates, who were selected and appointed, in whose case, it was opined by the Committee that their selection and appointment was tainted and deserve to be cancelled.
8. Be that as it may, with a view to give effect to the recommendations of the Committee, the Government issued an order on 07.02.2007, taking

back all the respondents in service, though prospectively. The respondents herein represented to the petitioners for giving them the benefit of continuity of their services. The said representation was disposed of by the petitioners vide order No. FST/FPF/49/2007 dated 23.11.2010. This made the respondents herein to approach this Court once again and this time by way of SWP No. 392/2011, which on transfer to the Tribunal, came to be registered as TA No. 5805/2021.

9. In the aforesaid writ petition, it was the categorical case set up by the respondents that since the petitioners had themselves found their selection to be genuine and taken them back, as such, there was no reason or justification to deny them the benefit of appointment w.e.f. the date of their first appointment i.e. 24.10.2000. The writ petition was contested by the petitioners by taking the plea that cancellation of appointment of the respondents was never set aside by the Court and that they were appointed afresh on the basis of recommendations made by the Committee, constituted in compliance with the judgment passed by the Division Bench and, therefore, in terms of rule 24 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, they were entitled to reckon their appointment and seniority from the date they were appointed afresh i.e. 07.02.2007.

10. Having heard both the sides and perused the material on record, the Tribunal came to the conclusion that appointment of the respondents, made vide order dated 07.02.2007, was in continuation of their appointment made on 24.10.2000 and should not be treated as fresh appointment. However, having regard to the fact that the respondents

had remained out of service w.e.f. 03.01.2003 till they were appointed afresh on 07.02.2007, the Tribunal was of the view that it would serve the ends of justice if the respondents were at least given the notional benefit of service from 24.10.2000 to 07.02.2007. It is in this background, the petition filed by the respondents came to be allowed in terms of the judgment impugned in this petition.

11. We have given thoughtful consideration to the rival contentions and perused the material on record and are of the considered opinion that the judgment passed by the Tribunal indeed serves the ends of justice. It is not in dispute that the selection of the respondents, made by the SSB in the year 2000, which culminated into issuance of order of appointments in their favour on 24.10.2000, has not been found illegal or fraught with any interpolations or irregularities. It is true that in view of the dispute raised by some of the selected candidates and the serious allegations of interpolations in case of some of the candidates made by the Board, the litigation ensued, which culminated into passing of the Division Bench judgment dated 26.04.2006. The judgment was accepted by all the parties and a Committee, as directed by the Division Bench, was constituted to look into the allegations of manipulation and illegality in the selection process. The Committee thoroughly went through the entire selection record and came to the conclusion that so far as the respondents herein were concerned, there was no interpolation, forgery or illegality in their selection and that they had made it to the selection on the basis of their merit. This report was accepted by the Government and vide order dated 07.02.2007, the

respondents were taken back in service. It is true that upon reading of order dated 07.02.2007, it transpires that this was an order of fresh appointment in respect of the respondents. It is because of this reason only the respondents resented and filed a representation and thereafter, came to this Court.

12. The Tribunal has well appreciated the controversy in its perspective and rightly concluded that the benefit of notional service w.e.f. 24.10.2000 to 07.02.2007 cannot be denied to the respondents, more particularly, when their selection all along has been found to be genuine and in consonance with law. That apart, had the petitioners, exercised due diligence and conducted the selection process in fair and transparent manner, the innocent and genuine candidates like the respondents would not have suffered. They would have been in service right from 24.10.2000 without any discontinuity.
13. Be that as it may, the selection was not conducted in a fair and transparent manner, which generated litigation. Some of the allegations were, of course, found correct, but so far as the respondents are concerned, they were found innocent and their selection was found genuine. It is because of this reason that they were appointed on 07.02.2007.
14. For all these reasons, we do not find any illegality or infirmity in the judgment passed by the Tribunal. We would, however, like to clarify that the benefit of service w.e.f. 24.10.2000 till 07.02.2007 shall be notional and only for the purpose of computing the qualifying service for grant of pensionary benefit and for no other purpose.

15. Subject to the clarification made above, the judgment passed by the Tribunal is upheld and as a consequence, this petition is **dismissed**.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
02.02.2026
Vishal Sharma

Whether the order is speaking?	Yes/No
Whether the order is reportable?	Yes/No

