

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

WP(C) No.297/2025

Reserved on: 04.08.2026
Pronounced on: 20.08.2026
Uploaded on: 20.08.2026

*Whether the operative part or full
judgment is pronounced-**Full***

Anil Kumar Jalali

.....Appellant/petitioner(s)

Through :- Ms. Shivani Jalali, Sr. Advocate with
Mr. Neeraj Verma, Advocate.

v/s

UT of J&K & Anr.

.....Respondent(s)

Through :- Mr. Divyanshu Malhotra, Advocate vice
Mr. Suneel Malhotra, GA.

**CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

JUDGMENT

(Sekhri-J)

01. Petitioner has invoked writ jurisdiction of this Court to assail order dated 05.11.2024 passed by Central Administrative Tribunal, Jammu Bench [“the Tribunal”], whereby his application; T.A No. 208/2023, came to be dismissed.

02. As factual matrix of the case would unfurl, the petitioner, in terms of Government Order No. 264/Agri of 1986 dated 29.07.1986, came to be selected and temporarily appointed as Village Extension Worker under the National Agriculture Extension Project subject, however to the production of requisite certificates and fulfillment of the conditions of eligibility for entering the Government service. Appointees were directed to report the respective Directors

of Agriculture Department within 15 days from the date of the appointment order.

03. Contention of the petitioner is that he was selected in the Jammu Division and within the time specified he submitted his joining report in the office of Director, Agriculture, Jammu, which though was duly received, but adjustment order was not issued in his favour, whereas other incumbents figuring in the selection list were adjusted. He submitted various representations and reminders to the respondents for his adjustment, but nothing was done or initiated, though his selection and appointment remained intact. According to the petitioner, after he submitted his joining report, he was assured by the Director, Agriculture that his case has been forwarded to the higher authorities for sanction of his adjustment and he remained attached in his office, however despite repeated representations neither he was adjusted nor his salary was paid.

04. It is next contended by the petitioner that he was told that he would be treated as a migrant and respondent No. 2 would release his salary in pursuance of the order passed by the State Government in favor of all the migrant employees. The Director, Agriculture, Jammu, respondent no. 2, issued a circular dated 18.04.2006, in which name of the petitioner figured as a migrant.

05. It is also contention of the petitioner that respondents issued seniority lists by way of circulars dated 20.04.2006 and 26.06.2013, in which his name figured at serial No. 582 and 823 respectively. According to the petitioner, these seniority lists/circulars would clearly indicate that his service remained intact and his salary remained unpaid, thus it was incumbent and obligatory upon the respondents to pay his salary.

06. It is also case of the petitioner that on 21.02.2014, a notice came to be published in the local newspaper, Daily Excelsior, by the official respondents

that his status for last seven years was not known and this was last opportunity for him to join, failing which his candidature would be terminated. He immediately submitted his joining report in the office of respondent no. 2 and served a reminder that he may be adjusted, but in vain. Thereafter, in response to his RTI application under Right to Information Act seeking information regarding his appointment he came to know that Department has no information regarding his appointment and salary.

07. The petitioner through the medium of SWP No. 2542/2014 invoked writ jurisdiction of this Court for the following reliefs:-

“i. By allowing this petition with a prayer to command the official respondents to adjust the petitioner in the department in the light of selection list and joining letter submitted by the petitioner within prescribed time by treating at par with other candidates who have been adjusted in the department and in whose favour salary has been released.

ii. With a further prayer that in alternate by not adjusting the petitioner in Jammu then arrears of salary be released in his favour in pursuance of issued Gout. Order no 506-GR of 1990 issue on dated 19-04-1990 by treating him as MIGRANT as per the admission made by the department in issued seniority li.st of dated 18-04-2006.

iii. With a further prayer that the period of service be counted from the date petitioner has joined with the department in pursuance of the selection and all the arrears of consequential service benefits be released.

iv. With a further prayer that the seniority of the petitioner be also fixed for the post of village extension worker from the date of joining under Rule 24 of Civil Services (Classification, Control and Appeal) Rules 1956.”

08. The aforesaid writ petition, at the threshold, came to be disposed of by a Single Bench of this Court vide order 19.09.2014, with a direction to respondent no. 2 to pass orders regarding adjustment of the petitioner appropriate to his status and release the arrears of his salary accrued from the date of his joining, within 15 days from the date of the order was served upon respondent no. 2. It

was also directed that status of the petitioner, in the meanwhile, may not be disturbed.

09. The aforesaid order passed by learned Single Judge came to be assailed by the respondents in an intra-court appeal by way of LPASW No. 04/2015, and the Division Bench, vide order dated 05.05.2015, set-aside the order passed by learned Single Judge by holding that, having regard to the controversy involved, the writ court ought to have issued notice to the appellants, respondents herein, and given them an opportunity to controvert the factual aspect of the matter. The Division Bench noticed that averments made in the writ petition itself would reveal that there were triable issues raised in the petition, as to whether respondent, (petitioner herein) had joined pursuant to his engagement order as Village Extension Worker, as claimed in the writ petition, or he stayed away and did not serve the appellant Department for two and half decades and these issues were required to be examined by the writ court. It was also observed that it was for the writ court to conclude as to how the respondent's (petitioner herein) inclusion in two seniority lists issued by the appellants and the order by virtue of which he was shown as a Junior Agriculture Extension Officer would impact the outcome of petition. The writ court was also directed to examine that in what circumstances respondent (petitioner herein) figured in the final notice, wherein he was shown to have submitted his joining report in 1986 and was asked to join against the post of Village Extension Worker. With these observations, order passed by the writ court was set-aside, matter was remanded, and writ court was requested to consider the matter afresh.

10. The writ petition came to be opposed by the respondents primarily on the ground that petitioner had not approached the Court with clean hands and was guilty of suppressing material facts.

11. Pertinently, the respondents though admitted before the writ court that petitioner was selected and appointed as Village Extension Worker in terms of Government Order dated 29.07.1986 but contended that as per the record maintained by the Director, Agriculture, Jammu, the petitioner never reported the concerned office for his joining. It was submitted that respondent no. 2, Director, Agriculture, Jammu, did not entertain the representations preferred by the petitioner after more than 28 years.

12. The respondents denied before the writ court that petitioner had submitted his joining report in the year 1986 after issuance of the select list. They also denied the seniority lists/circulars as false and fabricated and submitted that since petitioner neither approached the respondents for joining nor filed any representation till 2014, there was no question of his adjustment. According to the respondents, the petitioner approached for his joining in the year 2014 i.e., after 28 years of issuance of the select list. Respondents prayed for dismissal of the petition.

13. Subsequently, the aforesaid writ petition came to be transferred to the Tribunal after its creation and learned Tribunal, vide impugned order, dismissed the T.A by holding that petitioner had failed to produce any evidence to show that he had submitted his joining report and worked in the Department. According to the Tribunal, the petitioner slept over the matter for approximately 28 years and approached the Department in the year 2014 only for his joining on the basis of a seniority list published in the newspaper, wherein his name was reflected.

14. Having heard learned counsels for the parties, we have perused the record.

15. Petitioner is aggrieved of the impugned order of the Tribunal primarily on the ground that Tribunal was obliged to examine all the issues those were directed to be examined by the Division Bench of this Court while disposing of LPA No. 04/2024, that whether he joined pursuant to his engagement order as Village Extension Worker as claimed in the writ petition, or he stayed away and did not serve the respondent Department for two and a half decades, as to how his inclusion in the two seniority lists issued by the respondents and the order by virtue of which he was shown as Junior Agriculture Extension Officer would impact the outcome of the petition and in what circumstances he figured in the final notice, wherein he was shown to have not submitted his jointing report in 1986 and was asked to join against the Village Extension Worker position.

16. It is an admitted fact that petitioner came to be selected and appointed as Village Extension Worker in terms of Government Order dated 29.07.1986 and appointment was subject to the production of requisite certificates and fulfillment of the conditions of eligibility for entering the Government service, and appointees were directed to report the respective Directors of Agriculture within 15 days from the date of issuance of the order.

17. Contention of the petitioner is that within the time specified he submitted his joining report in the office of Director, Agriculture, Jammu, which though was duly received by him but he was not adjusted anywhere.

18. It is trite in law that mere selection or inclusion in a merit list by itself would not confer any indefeasible right to appointment. [See **Shankarsan Dash vs. Union of India; (1991) 3 SCC 47**].

19. In service jurisprudence, a contract of employment would enure only when the selected candidate, acting upon the appointment order, satisfies the pre-joining formalities and submits a formal proof of joining. Without the

joining report or an attendance roster, it cannot be said that relationship of employer-employee was ever established.

20. Reverting to the case on hand, it is pertinent to underline that though petitioner in the writ petition/OA had asserted that his joining report and its receipt by respondent. 2 were on the record, however, a perusal of the writ record would show that neither he had placed on record any evidence with respect to his joining report nor its receipt by respondent no. 2. It appears that after issuance of notice dated 21.02.2014 by the respondents in the local newspaper, Daily Excelsior, i.e., that his status for the last seven years was not known and it was his last opportunity to join, the petitioner approached the respondents for the first time to submit his joining report. Learned Tribunal while examining the issues, those were directed by the Division Bench to be examined by the writ court, has rightly observed that there was no merit and substance in the contention of the petitioner because petitioner slept over the matter for 28 years and approached the respondent Department in the year 2014 only for his joining on the basis of a seniority list published in the newspaper.

21. The entire claim of the petitioner is based upon two seniority lists/circulars dated 20.04.2006 and 26.06.2013, purported to have been issued by the respondents, wherein, according to him, he figured at serial Nos. 582 and 823 respectively and was shown to have been placed as Junior Agriculture Extension Officer. Pertinently, the respondents before the writ court denied both these seniority lists/circulars as false and fabricated, however the petitioner failed to dispute the stand of the respondents by filing any rejoinder affidavit that said seniority lists/circulars were genuine.

22. For the foregoing reasons, the present petition, filed after inordinate delay of nearly three decades for claiming service benefits solely on the basis of initial

selection and appointment, in the absence of any proof of joining or physical service, is barred by the doctrine of laches. We do not find any illegality or impropriety in the impugned order propounded by the Tribunal. Hence, present petition is dismissed.

(Rajesh Sekhri)
Judge

(Sindhu Sharma)
Judge

JAMMU
20.08.2026.
Abinash

Whether the judgment is speaking? Yes
Whether the judgment is reportable? Yes

