

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

Reserved on: 27.07.2026

Pronounced on: 07.08.2026

Uploaded on: 07.08.2026

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

WP(C) No.2062/2019

c/w

CCP(S) No.362/2024

BASHIR AHMAD MIR

...PETITIONER(S)

Through: - Mr. M. M .Dar, Advocate.
Mr. Umar Bandy, Advocate.
Mr. Zaffar Mehdi, Advocate.

Vs.

UNION OF INDIA AND ORS.

...RESPONDENT(S)

Through: - Ms. Bisma Ali, Advocate, vice
Mr. T. M. Shamsi, DSGI-for R1&R2.
Mr. Nazir Ahmad Bhat, CGC,
Mr. Rishabh Sharma (legal consultant for R3&R4)

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

WP(C) No.2062/2019

1) The petitioner, through the medium of present petition, has challenged order dated 03.06.2019, whereby his request for issuance of formal appointment order for the post of Administrative Officer, CRC Srinagar, has been declined. The petitioner has also sought a direction upon the respondents for consideration of his case and for according

WP(C) No.2062/2019 c/w
CCP(S) No.362/2024

formal confirmation to his promotion as Administrative Officer.

2) As per case of the petitioner, way back in the year 2000, he participated in the selection process for the post of Accountant with the respondent organization whereafter, he came to be appointed as Accountant in the pay scale of Rs.5500-9000 in terms of appointment order dated 20.08.2001 whereafter he was posted in the office of respondent No.4. It has been submitted that the petitioner was assigned the charge of Administrative Officer in the year 2009 because the incumbent of the said post was sent on deputation to Mumbai. It has been further submitted that the petitioner continued to hold the charge of the Administrative Officer and in this regard extension orders were issued by the competent authority from time to time.

3) In the meantime, the post of Administrative Officer was advertised by the respondents in the year 2009 as well as in the year 2010 but due to non-availability of qualified candidates, the selection process was not taken to its logical conclusion and the petitioner was allowed to function on the said post. Vide order dated 31.12.2013, it was specifically provided that the petitioner shall continue to work on the

post of Administrative Officer till the said post is filled up or till he is absorbed against the said post on permanent basis.

4) It seems that the petitioner filed a writ petition bearing SWP No.2111/2011, wherein he sought a direction upon the respondents to consider his claim for confirmation against the post of Administrative Officer. In the said writ petition, an interim order came to be passed on 28.09.2011, whereby the respondents were directed to consider the representation of the petitioner. Pursuant to the aforesaid order, the respondents vide communication dated 17.11.2011, rejected the representation of the petitioner on the ground that as per the recruitment rules, the post of Administrative Officer is not a promotional post but the procedure provide for filling up of the said post is by direct recruitment.

5) In the year 2014, an order came to be issued by the respondents on 10.10.2014, whereby claim of the petitioner for his adjustment against the post of Administrative Officer at CRC Srinagar was rejected on the ground that the said post is a direct recruitment post and the essential qualification for the said post is post-graduation/MBA from a recognized university with three years minimum experience in establishment/administrative masters in a government organization in the grade pay of Rs.4800 or five

years' experience in the grade pay of Rs.4600 or eight years' experience in the grade pay of Rs.4200. The Director Incharge, Srinagar, was asked to advertise the post of Administrative Officer for CRC, Srinagar, and fill it up at the earliest possible on regular basis.

6) Pursuant to the aforesaid order, Advertisement Notice dated 20.02.2015 came to be issued by the respondents for filling up of the post of Administrative Officer in CRC, Bemina, Srinagar. The prescribed qualification for the said post was Postgraduate degree/MBA from recognized university with experience of three years in the Grade Pay of Rs.4800 or five years' experience in the Grade Pay of Rs.4600 or eight years' experience in the Grade Pay of Rs.4200. The petitioner is stated to have responded to the said Advertisement Notice along with other candidates. It has been contended that besides the petitioner, eight more candidates had applied for the said post, but only the petitioner was found eligible amongst the participants, as a result of which his case was recommended for approval to respondent No.4, vide reference dated 13.05.2015. Respondent No.4, in turn, forwarded the same to respondents No.2 and 3 with the recommendation for

petitioner's selection/appointment to the post of Administrative Officer.

7) It has been further submitted that respondents No.2 and 3, after considering and scrutinizing all the applicants with reference to eligibility conditions, found the petitioner as the only candidate eligible but no formal appointment order was issued in favour of the petitioner. A recommendation was made by respondent No.4 to respondents No.2 and 3 vide communications dated 15.05.2017 and 25.05.2017 for according formal approval in favour of the petitioner. Respondent No.3 in turn forwarded case of the petitioner to respondent No.2 in terms of communication dated 21.08.2017.

8) While the aforesaid process was going on, respondent No.4 issued order dated 07.02.2018, whereby the petitioner was removed from the position of Incharge Administrative Officer and in his place the charge was assigned to one Dr. Zaffar Iqbal, Assistant Professor. This prompted the petitioner to file another writ petition bearing SWP No.242/2018 before this Court, challenging the action of respondent No.4. Vide interim order dated 13.02.2018, a direction was issued to the respondents to allow the petitioner to perform his duties as Incharge Administrative

Officer. Vide order dated 01.02.2019, the writ petition was finally decided by this Court, and the respondents were directed to consider the case of the petitioner with reference to the prayer relating to his appointment as Administrative Officer upon taking into account the reports submitted by Screening/Selection Committee, who had unanimously found the petitioner eligible and only qualified candidate in terms of communications dated 18.07.2018, 13.08.2018, 20.08.2018 and 19.09.2018. However, instead of according formal approval to the appointment of the petitioner against the post of Administrative Officer, the impugned order came to be issued by the respondents, whereby his claim has been rejected, primarily, on the ground that he is not meeting the eligibility criteria for the post of Administrative Officer and that no Selection Committee for holding interview had been constituted in the present case.

2) The petitioner has challenged the impugned order passed by the respondents on the grounds that, despite there being formal recommendation in favour of the petitioner vide communications dated 13.08.2018, 20.08.2018 and 19.09.2018, it was not open to the respondents to decline the formal approval of his appointment as Administrative Officer. It has also been

contended that the petitioner possesses the requisite qualification as also the requisite experience, inasmuch as he has worked in the grade pay of Rs.4600 for more than five years. According to the petitioner, he was placed in the grade pay of Rs.4600 in the year 2009 and was thereafter placed in the grade pay of Rs.5400 which is over and above the grade pay of Rs.4800 and 4600. Therefore, the observation made in the impugned order that the petitioner was not qualified and was lacking in experience in the requisite grade pay is contrary to the record. It has also been contended that the petitioner being the only eligible candidate, there was no necessity of holding an interview in the present case as no other suitable candidate was available.

10) The respondents have contested the writ petition by filing their reply, wherein it has been submitted that the post of Administrative Officer is a direct recruitment post and essential qualification for the said post is that the applicant should be postgraduate/MBA from a recognized university, he should have three years minimum experience in establishment/office administrative matters in government organization in the grade pay of Rs.4800, or he should have five years' experience in the grade pay Rs.4600, or he should have eight years' experience in the grade pay Rs.4200. It has

been submitted that when the advertisement notice was issued in the year 2015, there was lukewarm response to the said notification, as such, the selection process was not finalized. It has been contended that the competent authority had approved re-advertisement of the post of Administrative Officer, CRC, Srinagar, vide approval note dated 04.11.2015. Therefore, there was no question of taking the selection process to its logical conclusion by appointing the petitioner to the said post.

11) I have heard learned counsel for the parties and perused record of the case

12) The controversy involved in this case falls in a narrow compass. It is not in dispute that the post of Administrative Officer is not a promotional post, but the same has to be filled up by resorting to direct recruitment. It is also not in dispute that in the year 2015, the post of Administrative Officer in CRC, Srinagar, was advertised and the petitioner along with other candidates responded to the said advertisement notice. The respondents have not disputed the fact that there was a recommendation of the Screening Committee in favour of the petitioner for his appointment to the post of Administrative Officer. However, the recommendation made by the Screening Committee has

been turned down by competent authority in terms of impugned order dated 03.06.2019. The ground projected for turning down the said recommendation is that the petitioner was not possessing three years' experience in establishment/administrative matters in government organization in the Grade Pay of Rs.4800 or five years' experience in the Grade Pay of Rs.4600. As per the impugned order, the petitioner was working on regular basis as Accountant in the Grade Pay of Rs.4200 from 20.08.2001, thus, he was lacking the requisite experience.

13) In the above context, the petitioner has specifically pleaded that he was placed in the Grade Pay of Rs.4600 in the year 2009 and in the Grade Pay of Rs.5400 in the year 2012. In order to verify the authenticity of this assertion of the petitioner, his service book was called from the office of respondents. A perusal of the original service book of the petitioner would reveal that he was placed in the grade pay of Rs.4600 in the year 2009 and in the Grade Pay of Rs.4800 with effect from 19.08.2011. Thus, as on the date of submission of his application for the post of Administrative Officer in the year 2015, the petitioner had more than three years' experience in the grade pay of Rs.4800 and more than five years' experience in the grade pay of Rs.4600. Therefore,

the observation made by the respondents in the impugned order that the petitioner was not possessing the requisite experience in the requisite grade pay is contrary to the record.

14) That takes us to the contention of the respondents that they had abandoned the selection process in the year 2015 itself as the competent authority had granted approval to re-advertisement of the post of Administrative Officer. In this regard, a copy of the note sheet has been placed on record by the respondents.

15) If we have a look at the earlier writ petition filed by the petitioner bearing SWP No.242/2018, the respondents in that writ petition have never taken a stand that they have abandoned the selection process initiated in the year 2015 for filling up of the post of Administrative Officer. It is only because of this, that the Court while disposing of the said writ petition on 01.02.2019, issued a direction to the respondents to consider case of the petitioner with reference to the relief relating to accord of approval for his appointment as Administrative Officer in light of the recommendations made by the Screening Committee. Had respondents brought to the notice of the Court that the selection process has been abandoned by them, in that case direction to the

respondents to consider the case of the petitioner on the basis of Screening Committee would not have been passed by the Court. Since this fact was not brought to the notice of the Court, as such, the Court has issued a direction to the respondents to consider the claim of the petitioner for his appointment to the post of Administrative Officer with reference to the recommendations made by the Screening Committee. As per this direction, the respondents have to take the selection process to its logical conclusion. They cannot now take a stand that they have abandoned the selection process as the same would amount to rewriting the order of the Court passed on 01.02.2019, which is impermissible in law.

16) The respondents are duty-bound to comply with the direction dated 01.02.2019 passed in SWP No.242/2018 and take the selection process initiated vide advertisement notice 20.02.2015 to its logical conclusion by considering the candidature of the petitioner for the post of Administrative Officer in accordance with the recommendations made by the Screening Committee. While doing so, the respondents have to bear in mind that the petitioner possesses the requisite academic qualification as well as the experience for

holding the post of Administrative Officer in terms of the recruitment rules.

17) Accordingly, the writ petition is allowed and impugned order dated 03.06.2019 is quashed and the respondents are directed to reconsider the case of the petitioner for his appointment as Administrative Officer in the light of the observations made hereinbefore. Needful shall be done by the respondents most expeditiously, preferably within a period of one month from the date a copy of this judgment is served upon them.

18) The record be returned to learned counsel for the respondents.

19) CCP(S) No.362/2024

In view of the decision in the main writ petition, the order out of which instant contempt petition has arisen, has merged in the final judgment. Therefore, nothing further survives for consideration in this contempt petition. The same is, accordingly, disposed of.

**(Sanjay Dhar)
Judge**

SRINAGAR

07.08.2026

"Bhat Altaf-Secretary"

Whether the **judgment** is reportable: **YES/NO**

WP(C) No.2062/2019 c/w

CCP(S) No.362/2024

Page **12** of **12**