

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

WP(C) 1980/2025 CM (5243/2025)

**Syed Khalid Murtaza and Ors**

...Petitioner(s)/Appellant(s).

Through: Mr. Younis Ahad, Advocate

**Vs.**

**Union Territory of Jammu and  
Kashmir and Anr**

...Respondent(s).

Through: Mr. Faheem Nisar Shah, GA  
Mr. M.M. Dar, Advocate with  
Mr. Umar Banday, Advocate.

**CORAM:**

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

**ORDER**

06.04.2026

1. Impugned in this petition filed by the petitioners [38 in number] is an order and judgment dated 5<sup>th</sup> May, 2025 passed by the Central Administrative Tribunal, Srinagar Bench, [the Tribunal] in TA No. 4482/2021 titled "*Javeed Hussain Magloo and Ors vs. State of Jammu & Kashmir [now Union Territory of Jammu and Kashmir] and Ors*", whereby the Tribunal has allowed the TA filed by the private respondents herein and directed the official respondents to consider their claim for grant of all consequential benefits retrospectively in the light of decision of Coordinate Bench of the Tribunal in OA No. 406/2024 and OA No. 1371/2024, by passing a reasoned order.

2. The impugned order is challenged by the petitioners herein on the ground that 32 out of 38 petitioners had moved a formal application before the Tribunal for being impleaded as respondents but the Tribunal disposed of the main petition without passing any order in the said application. It is contended by the learned counsel appearing for the

petitioners that had the Tribunal afforded them an opportunity of defending the petition filed by the private respondents herein, they would have brought it to the notice of the Tribunal that the benefit of regularization under the J&K Civil Services (Special Provisions) Act, 2010 cannot be given from the date anterior to the appointed date fixed in Act of 2010.

3. It is submitted that had the Tribunal considered the matter in right perspective and kept in view the provisions of the Act of 2010, it would not have passed the directions as are contained in the order impugned. Learned counsel submits that because of the failure of the Tribunal to pass appropriate orders on their application, they have been put to serious prejudice and in case the private respondents are regularized from a retrospective date i.e. the date prior to coming to the force of the Act of 2010, the petitioners, who have come through a regular process of selection, would be rendered junior to them.

4. *Per contra*, Mr. M. M. Dar, learned counsel appearing for the private respondents would argue that the judgment passed by the Tribunal is only innocuous in nature, in that it only directs the official respondents to consider the claim of the private respondents for retrospective regularization with all consequential benefits by passing a reasoned order.

5. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment impugned passed by the Tribunal cannot sustain for more than one reason: One, that judgment passed is not reasoned and does not spell out any reasons for issuance of the directions contained therein: Second, that the petitioners before us who had approached the Tribunal by way of a formal

application for impleadment were a necessary party and ought to have been impleaded and heard before passing the impugned order.

6. For all these reasons, we allow this petition and set aside the impugned order 5<sup>th</sup> May, 2025 passed by the Central Administrative Tribunal, Srinagar Bench. The matter is sent back to the Tribunal for fresh adjudication. The 32 petitioners who had moved an application for impleadment before the Tribunal are hereby impleaded as party respondents and given reasonable opportunity to file reply.

7. Let the matter be taken up for consideration by the Tribunal on 27<sup>th</sup> April, 2026. The petitioners herein shall ensure filing of reply before the said date.

8. The Tribunal shall endeavour to dispose of the matter in accordance with the law with reasonable dispatch preferably within a period of six months.

9. *Disposed of.*

(SANJAY PARIHAR)  
JUDGE

(SANJEEV KUMAR)  
JUDGE

SRINAGAR  
06.04.2026  
*Shahid Manzoor*