

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

{Through Virtual Mode}

**WP (C) No. 103/2022
CM Nos. 185/2022 & 186/2022
Caveat No. 77/2022**

Dated: 31st of January, 2022.

Syed Asif Hafiz & Ors.

... Petitioner(s)

Through: -

Mr Zahoor Ahmad Shah, Advocate.

V/s

Union Territory of JK & Ors.

... Respondent(s)

Through: -

Mr Syed Faisal Qadri, Senior Advocate with
Mr Altaf Mehraj, Advocate.

CORAM:

**Hon'ble Mr Justice Ali Mohammad Magrey, Judge
Hon'ble Mr Justice Vinod Chatterji Koul, Judge**

(JUDGMENT)

Per Magrey, J (Oral):

01. The subject matter of the instant Writ Petition is challenge made to the interim Order dated 23rd of June, 2021 passed by the Central Administrative Tribunal, Srinagar (for short 'the Tribunal') in OA No.901/2021 filed by the Respondents 5 to 15 herein, whereby the learned Tribunal, while issuing notice in the OA for filing the Counter Affidavit and Rejoinder, has stayed the final seniority list issued vide Government Order No. 187-PW(R&B) of 2021 dated 21st of May, 2021 relating to the Junior Engineers (Mechanical-Degree Holders) of the Public Works (R&B) Department.

02. Mr Zahoor Ahmad Shah, the learned Counsel representing the Petitioners, submitted that the Order impugned herein this Petition has already been put to challenge by some similarly situated persons before this Court in WP (C) No.2674/2021 which is listed for consideration on 3rd of February, 2022. It is further submitted that this Petition be also listed along with the aforesaid Writ Petition and the interim Order passed therein on 21st of December, 2021 be extended to the present Petition as well. It is next pleaded by the learned Counsel that the issue of seniority *inter se* the Petitioners and the Private Respondents herein is now being taken up by the Tribunal on 1st of February, 2022 pursuant to the directions passed by this Court.

03. Mr Syed Faisal Qadri, the learned Senior Counsel, appearing on behalf of the Caveators/ Respondent Nos. 5 to 15, vehemently resisted grant of any interim relief in favour of the Petitioners by submitting that the Petition of the Petitioners has turned infructuous inasmuch as the Petitioners have already been promoted on 14th of January, 2022 which is the subject matter of the proceedings pending before the Tribunal wherein this Court has directed the Tribunal to consider the matter on merits, notwithstanding pendency of the Petition before this Court *qua* the Petitioners and Respondent Nos.5 to 15.

04. Having heard the learned Counsel for the parties, perused the pleadings on record and after considering the matter, we are of the considered view that the issue of seniority which is the subject matter of OA bearing No. 901/2021 wherein the impugned Order has been passed

needs to be decided by the Tribunal. It is admitted position of the parties before us that the Tribunal is in the process of hearing and deciding the aforesaid issue pursuant to the directions passed by this Court and, therefore, we feel that the proper course for the parties is to approach the Tribunal for decision. In that view of the matter, we dispose of this Petition with the request to the learned Tribunal to take up the matter for decision, along with other matters directed to be listed on 1st of February, 2022 on the subject, and pass appropriate orders therein in accordance with law after hearing all parties concerned.

05. Writ Petition *disposed* of as above, along with the connected CM(s). This shall also *discharge* Caveat No.77/2022 accordingly.

(Vinod Chatterji Koul)
Judge

(Ali Mohammad Magrey)
Judge

SRINAGAR

January 31st, 2022

"TAHIR"

