

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD

CPO Chowk, Panjtirthi, Jammu/Zam Zam Complex Rambagh, Srinagar
(www.jkssb.nic.in)

Subject: Directions of the Hon'ble Central Administrative Tribunal (CAT) in CP No./2023 IN OA No.61/1547/2022 titled as Rakesh Kumar Vs Sheikh Fayaz Ahmed & Ors.-Consideration order thereof.

Order No. | 5 | -SSB of 2024

Dated: 01.04.2024

Whereas, the J&K Services Selection Board, vide letter No. SSB/Secy/Sel/Class_IV/2021/6273-78 dated 18.10.2022, recommended the Final Selection List/Allocation of Cadres to the General Administration Department for 3422 Class-IV posts, under the provisions of the Jammu & Kashmir Appointment to Class-IV (Special Recruitment) Rules, 2020, advertised vide Notification No. 01 of 2020 dated 26.06.2020; and

Whereas, in the aforesaid Selection List, among others, the recommendation of one candidate namely Mr. Ravinder Kumar S/o Krishan Lal Sharma R/o Doda, Roll No. 111119102481, with aggregate score of 27.5650, was kept withheld; and

Whereas, the Directorate of Sainik Welfare, Amphalla, Jammu, vide communication No. 1350/Emp/Griv/DSW/2022/1802-03 dated 27.10.2022, forwarded a copy of complaint, wherein, it was alleged that the above named candidate did not qualify for benefit under ESM quota as he has not retired from the Armed Forces; and

Whereas, a careful examination of the documents produced by the above named candidate indicate that he has retired from the Para-Military Forces and, therefore, cannot claim the benefit of Horizontal Reservation under ESM category as per the extant rules/regulations, which are available to the retired Armed Forces Personnel only; and

Whereas, the J&K Services Selection Board, served a Notice to the above named candidate vide letter No. JKSSB-SDOSECY(UT)/18/2022-01(E-7065919) dated 19.05.2023, to submit his defense/supporting documents in the matter within a period of 7 days in the J&K Services Selection Board; and

Whereas, despite the lapse of considerable time, the above named candidate did not submit any supporting documents and accordingly, his case was placed in the 229th Board Meeting, which, taking note of the fact that the candidate is not eligible for availing the benefit of Horizontal Reservation applicable to Ex-Servicemen and the opportunity of being heard having already been afforded to them, decided to cancel his recommendation; and

(Signature)

Whereas, the applicant namely Rakesh Kumar approached the Hon'ble Central Administrative Tribunal, Jammu for cancellation of the recommendation of the aforesaid candidate and his consideration for selection. The Hon'ble CAT, Jammu, vide its Order dated 14.11.2022 in O.A No. 1547/2022 titled Rakesh Kumar Vs UT of J&K & Ors. Has passed the following directions:



..without expressing any opinion on merits of the case, the OA is disposed of at admission stage with directions to respondents to treat a copy of this OA as representation of applicant and take a decision on the same as per relevant rules and instructions on the subject by passing a reasoned and speaking order..."

Whereas, the case of Mr. Rakesh Kumar S/o Jagdish Kumar R/o Malothi Doda, who had applied for the Class-IV posts advertised vide Notification No. 01 of 2020 dated 26.06.2020, under Roll No. 111130104939, as an OM/ESM was examined and it was observed that he had failed to secure the selection for these posts on account of his low score; and

Whereas, the plea of the applicant that he may be considered for selection in place of the aforesaid candidate cannot be agreed upon, as the extant selection procedure/regulations do not allow the Board to include a fresh candidate in the selection zone upon cancellation of a withheld recommendation. The Selection List, once finalized and forwarded to the concerned Indenting Department, attains finality and it is neither feasible nor permissible for a recruiting agency to include a fresh candidate in it in case any selectee is declared as *in-eligible* at any later stage.

Now, therefore, in view of the above facts and circumstances of the case and in due reference to the Order dated 14.11.2022, passed by the Hon'ble Tribunal Jammu, the case of the applicant, having been considered, is found devoid of any merit and hence rejected.

By Order.


01/04/24
(Sachin Jamwal) JKAS,
Secretary,
 **J&K Services Selection Board.**

No. JKSSB-LEG/411/2022-03(E-7064891)

Dated: 01.04.2024

Copy to:

1. Commissioner/Secretary to the Government, General Administration Department.
2. Ld. Counsel, J&K Services Selection Board.
3. Additional Secretary, Legal, J&K Services Selection Board.
4. Private Secretary to Chairman, J&K Services Selection Board.
5. I/c Website, J&K Services Selection Board
6. Applicant concerned.
7. Office records.