

**GOVERNMENT OF JAMMU AND KASHMIR**  
**JAMMU AND KASHMIR SERVICES SELECTION BOARD**

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

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**Subject: Directions of the Hon'ble Central Administrative Tribunal (CAT) in OA No.61/549/2022 titled Rishi Kumar V/s UT of J&K & Ors- Consideration Order thereof.**

**Order No. 150 -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 in respect of one candidate namely Mr. Kuldeep Kumar S/o Bansi Lal R/o Gajoth Malothi Doda, with aggregate overall score of 35.4700, 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 candidate indicated that he had retired from the service as a member of 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 No. JKSSB-SDOSECY(UT)/18/2022-01(E-7065919) dated 19.05.2023, to submit all supporting documents, 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 229<sup>th</sup> Board Meeting, which taking into consideration that he is not eligible for availing the benefit of Horizontal Reservation as applicable to Ex-Servicemen and the opportunity of being heard having already been afforded to him, decided to cancel his withheld recommendation; and

Whereas, the withheld recommendation of the aforesaid candidate was, accordingly, cancelled vide Notification No. JKSSB-SDOSECY(UT)/18/2022-01 (E-7065919) dated 27.07.2023.

*(K)*

Whereas, the applicant namely Mr. Rishi Kumar has filed the instant OA No.61/549/2022 titled as Rishi Kumar Vs UT of J&K & Ors before the Hon'ble Central Administrative Tribunal (CAT), Jammu, seeking selection against the candidature of the aforesaid candidate under the ESM quota; and

Whereas, the said OA came to be disposed of by the Hon'ble Central Administrative Tribunal, Jammu vide its Order dated 14.11.2022, with the following directions:

***"I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of at admission stage with direction to respondents to treat a copy of this O.A. 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 within a period of two weeks from the date of receipt of a certified copy of this order and a copy of the speaking order shall be communicated to the applicant.***

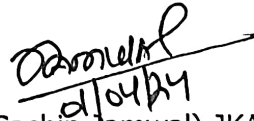
***7. With the above direction, the O.A. stands disposed of. No costs."***

Whereas, the case of Mr. Rishi Kumar S/o Ram Lal, was examined and it has been observed that while he had applied for these Class-IV posts, with Roll No. 111116101879, under OM/ESM Category, he could not secure the selection 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.**

  
(Sachin Jamwal) JKAS,  
**Secretary,**

 **J&K Services Selection Board.**

No. JKSSB-LEG/412/2022-03(E-7064895)

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.
3. Private Secretary to Chairman, J&K Services Selection Board.
4. I/c Website, J&K Services Selection Board.
5. Applicant concerned.
6. Office records