

ITEM NO.29 Court 6 (Video Conferencing) SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 25467/2019

(Arising out of impugned final judgment and order dated 04-10-2018 in LPA No. 149/2018 passed by the High Court Of Jammu & Kashmir And Ladakh At Jammu)

THE STATE OF JAMMU AND KASHMIR & ORS. Petitioner(s)

VERSUS

KEWAL SINGH & ORS. Respondent(s)

Date : 07-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. G.M. Kawoosa, Adv.
 Ms. Taruna Ardhendumauli Prasad, AOR

For Respondent(s) Mr. Bimal Roy Jad, Sr.Adv.
 Ms. Purnima Jauhari, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for parties.

There is no doubt that the respondent has been battling for almost a quarter of a century to claim the right to be appointed as a Patwari.

There is more to be said of the manner in which the petitioner(s) failed to produce relevant material before the Courts below. The respondent seeks to take advantage of the letter of the Secretary to the Service Selection Board, Jammu dated 06.04.2015 stating that the respondent was No.12 in the merit list. However, learned

counsel for the petitioner has pointed out that the Deputy Secretary, Service Selection Board, Jammu in its letter dated 25.02.2014 states that the name of the petitioner did not figure in the list of candidates for undergoing training for Patwari, District Jammu. A perusal of the High Court's order also shows that the records of Selection Board were not forthcoming and when photocopies of the merit list were produced, the Division Bench does not seem to rely on them since they were only photocopies. In the meantime, many years had already passed.

We are now informed that the respondent is 57 years of age and retirement is 60 years. We cannot issue a direction at this stage for the respondent to be absorbed in service given the factual controversy vis-a-vis his recruitment itself. The order of the learned Single Judge has been affirmed by the Division Bench which had granted Rs.50,000/- costs.

On our query as to how the contradictory letters have been emanating, learned counsel for the petitioner has no satisfactory answer.

We are thus, of the view that while we cannot uphold the direction to employ the respondent as a Patwari, he should not be left remediless and thus, would be entitled to the cost of Rs.50,000/- and further a sum of Rs.1 lakh from the State Government totalling to Rs.1 lakh 50 thousand.

The Special Leave Petition is accordingly disposed of in the aforesaid terms.

The amount be remitted within eight weeks from today.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)