

GOVERNMENT OF JAMMU AND KASHMIR
Department of Law, Justice and Parliamentary Affairs.
(Establishment Section) **Civil Secretariat,**
Srinagar/Jammu

No. LAW-LIT/58/2021-10

Dated. 19-06-2026.

NOTICE

Whereas, Mr. Suhail Hassan Tantray has filed an O.A No. 398/2026 before the Central Administrative tribunal, Srinagar alleging therein that the Jammu and Kashmir Public Service Commission vide its communication dated 09.09.2013 has forwarded the select list of Assistant Legal Remembrancers to the Department of Law, Justice and Parliamentary Affairs for appointment. Subsequently, vide Government Order No. 3181-LD (Estt) of 2013 dated 19.09.2013, the respondent department issued appointment order in favour of the selected candidates. However, the recommendation of last selected candidate under Open Merit Category was withheld by the Jammu and Kashmir Public Service Commission on account of pendency of a writ petition numbered as SWP No. 1733/2010 titled Narjees Nawab Vs. State of J&K and others before the Hon'ble High Court of J&K & Ladakh at Srinagar;

Whereas, the applicant further alleges that the formal issuance of appointment order in favour of the applicant was delayed by a short period of eleven (11) days only, on account of pendency of the judicial proceedings that got later dismissed, which was a circumstance beyond the control of the applicant. The appointment of the applicant was made after a delay of approximately 11 days owing to such judicial intervention, while similarly situated candidates were issued appointment orders earlier. Despite having secured a higher merit position than the private respondents herein, was wrongly placed below the private respondents who were admittedly lower in merit and was wrongly placed at serial No. 11 in the Seniority List of J&K Legal Gazetted Service issued vide G.O. No. 2129-LD (Estt) of 2015 dated 20.07.2015, instead of this rightful position at Serial No. 7 in the list of employees falling under Category-E to the Government Order No. 2129-LD (Estt) of 2015 dated 20.07.2015, instead of his rightful position at Serial No. 7 in the list of employees falling under Category-E to the aforesaid Government Order No. 2129-LD (Estt) of 2015 dated 20.07.2015, on the basis of merit obtained in the selection process thereby causing grave prejudice to his service rights;

Whereas, the matter was listed for consideration on 28.04.2026 and the Hon'ble Central Administrative Tribunal, Srinagar while considering the OA has observed and directed as under:

“8. Accordingly, issue notice Mr. Syed Musaib, learned DAG, appears and accepts notice for the respondents No. 1 & 2, who is granted three

Per Syed

week's time to file his detailed response. As regards, respondents no. 3 to 6, learned counsel for the applicant shall provide four AD cover along with equal sets of paper book for service upon respondents. He submits that he has already done the needful. Registry of this Court is directed to serve the private respondents in accordance with law.

9. In the meantime, it is provided that the representation filed by the applicant shall be considered and disposed of in its merits in accordance with law by passing a speaking order within the notice period. Commissioner/Secretary, Law, UT of J&K, shall ensure that the representation is disposed of timely and to report compliance of the disposal.

10. List on 15.06.2026."

Whereas, the applicant in his representation dated 11.10.2025 has stated that he had filed a writ petition titled Suhail Hassan Tantray Vs. State of J&K and others, seeking therein direction upon the Department, for proper placement in the Seniority List of J&K Legal (Gazetted) Service. The writ petition (supra) was later transferred to the Hon'ble Central Tribunal-Srinagar Bench, for adjudication and was numbered as T.A. No. 6872/2020 titled Suhail Hassan Tantray Vs. State of J&K and others. The matter was finally disposed of by the Hon'ble Tribunal vide its order dated 22.03.2020 (copy enclosed), operative part whereof reads as under: -

"2. Learned counsel for the applicant has filed MA No.160/2022 with a prayer to direct the respondents to take decision on fixation of the seniority in view of the department order dated 22.01.2016 and the law laid down by the Hon'ble High Court of J & K in judgment dated 23.03.2011 passed in LPA No.40/2011 titled as Siraj Ud Din Shah & ors. Vs Aijaz Rasool Wani & Ors.

3. Learned counsel for the respondents has no objection to the same.

4. After hearing both learned counsels for the the parties, the respondents are directed to take a final decision on the seniority of the applicant in view of the Government order dated 22.01.2016 and the abovementioned judgment dated 22.03.2011 within four weeks from the date of receipt of a certified copy of this order.

5. With this TA No.6872/2020 is disposed of.

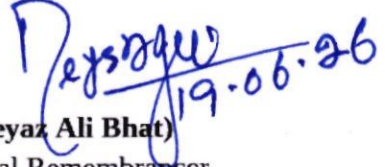
Whereas, the applicant has further alleged that Notwithstanding the fact that there was a direction from the Hon'ble Tribunal to take a final decision on the seniority of the applicant, however, the Department has not considered his claim, so far and while considering his claim, it needs to be taken into account that rule 24 of J&K Civil Services (CCA) Rules, 1956 is to be read in toto, which, although, provides that

Per Registrar

seniority shall be determined by the date of first appointment, however, in terms of proviso (b) to rule 24 of J&K Civil Services (C.C.A.) Rules, 1956, the inter se seniority between two or more persons recruited direct has to be accorded to the position attained by them in order of merit.

Whereas, the claim of the applicant needs to be considered in light of the judicial interventions on the issue viz Order dated 22.03.2020 passed in T.A. No. 6872/2020 titled Suhail Hassan Tantray Vs. State of J&K and others and interim Order dated 28.04.2026 passed in O.A No. 398/2026 titled Suhail Hassan Tantray Vs Law, Justice and Parliamentary Affairs.

Now, therefore, all officers who are likely to be affected by the proposed change in the Seniority position of Mr. Suhail Hassan Tantray are hereby called upon to submit objections, if any, within a period of 15 days from the date of issuance of this Notice, failing which it shall be presumed that nobody is affected by the proposed change and Orders shall be issued accordingly.


(Reyaz Ali Bhat)

Deputy Legal Remembrancer

Copy to the :

1. Mr. Shabeer Ahmad Deedad, Additional Secretary to Government, Department of Law, Justice and Parliamentary Affairs presently posted in the Revenue Department for information.
2. Mr. Shashi Kant Bhagat, Additional Secretary to Government, Department of Law, Justice and Parliamentary Affairs presently posted in the Health and Medical Education Department for information
3. Ms. Eshani Sen, Additional Secretary to Government, Department of Law, Justice and Parliamentary Affairs presently posted in the Home Department for information.
4. Mr. Rahoof Ahmad Khan, Additional Secretary to Government, Department of Law, Justice and Parliamentary Affairs presently posted in the School Education Department for information.
5. All Law Officers of the Department of Law, Justice and Parliamentary Affairs for information.
6. Private Secretary to Commissioner/ Secretary to Government, Department of Law, Justice and PA for information of the Commissioner/ Secretary.



CENTRAL ADMINISTRATIVE TRIBUNAL SRINAGAR

Order Sheet

Item no.: 4
O.A./398/2026 (SRINAGAR)
[SENIORITY]
Court No.: 2

No of Adjournment:

Order Dated: 28/04/2026

SUHAIL HASSAN TANTRAY

Vs

LAW, JUSTICE AND PARLIAMENTARY AFFAIRS

For Applicant(s) Advocate : MR. MIR SUHAIL

For Respondent(s) Advocate : MR. RAIS UD DIN GANAIE, DAG

Order of The Tribunal

1. Through the medium of the instant O.A., the applicant seeks following reliefs:
 - a. Direct the respondent department to finalize the seniority of members of the J&K Legal Gazetted Service holding the position of Additional Secretary to the Government and fix the seniority of the applicant over and above the private respondents at all levels, including the level of Additional Secretary to the Government, keeping in view the merit position of the applicant.
 - b. Issue a direction restraining the respondent department from making further promotion of the private respondents till the seniority of the applicant is restored as per the merit obtained in the initial selection process.
 - c. Direct that upon such finalization and restoration of seniority, the applicant shall be entitled to all consequential benefits, including notional seniority, promotion, and other service benefits as may be admissible under law;
 - d. Pass such order as this Hon'ble Tribunal deems fit and proper, in the facts and circumstances of the case.
2. The applicant is aggrieved of the continued inaction of the respondents in not finalizing and correcting the *inter se* seniority of the applicant in the J&K Legal (Gazetted) Service, despite a clear direction issued by this Tribunal vide its judgment dated 22.03.2022 passed in T.A./6872/2020 whereby the respondents were directed to take a final decision with regard to the fixation of seniority of the applicant within a stipulated period. However, despite clear-cut directions from the Division Bench of this Tribunal

- dated 22.03.2022, the respondents have not finalized the seniority.
3. Undoubtedly, maintenance of seniority and providing the right position to an employee is his right which cannot be deprived and any deprivation thereof deprives an employee of his right to seek consideration for his promotion. When right to consideration for promotion is a fundamental right and promotion generates efficiency, and any sort of arbitrary stagnation is sure to breed frustration.
 4. Learned counsel for the applicant, Mr. Mir Suhail, submits that he has filed a representation on 11.10.2025 before the competent authority which again has not been considered and decided.
 5. **Ordinarily, being the first responder to the grievance of the applicant, the respondents should have considered and disposed of the representation with promptitude.** Had the competent authority- Secretary to Government, Department of Law, timely disposed of the representation filed by the applicant on its merits, and with due application of mind, the applicant would not have approached this Court. But for the inaction, he is compelled to knock the doors of this Court. **Timely disposal of the representations not only saves Court time but also saves the state exchequer from unnecessary litigation costs.**
 6. Learned counsel for the applicant further submits that a process was initiated in the year 2016 wherein an order was issued by virtue of which a notice was to be circulated in the two leading newspapers one from Srinagar and another from Jammu for wider publicity, regarding seniority of the applicant and all those who would be affected by such change.
 7. Learned counsel for the applicant further submitted that till the objections are filed by the respondents, the respondents be restrained from making any promotion of the private respondents to the next higher post. Such a relief can only be granted after the affected parties are heard in the matter, as no order can be passed behind their back at this stage.
 8. Accordingly, issue notice. Mr. Syed Musaib, learned DAG, appears and accepts notice for the respondents no. 1 & 2, who is granted three weeks' time to file his detailed response. As regards, respondents no. 3 to 6, learned counsel for the applicant shall provide four AD cover along with equal sets of paper book for service upon private respondents. He submits that he has already done the needful. **Registry of this Court is directed to serve the private respondents in accordance with law.**
 9. In the meantime, it is provided that the representation filed by the applicant shall be considered and disposed of on its merits in accordance with law by passing a

Central Administrative Tribunal (<https://cgat.gov.in>)

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speaking order within the notice period. Commissioner/Secretary, Law, UT of J&K, shall ensure that the representation is disposed of timely and to report compliance of the disposal.

10. List on 15.06.2026.

Prasant Kumar
Member (A)

M. S. Latif
Member (J)

Abhishek Punia
(court master)

(Open Court)

Central Administrative Tribunal, Srinagar

Transfer Application No. 6872/2020

This the 22nd Day of March, 2022.

Hon'ble Mr. Anand Mathur, Member (A)

Hon'ble Mr. D.S. Mahra, Member (J)

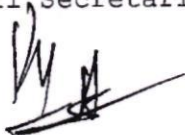
Suhail Hassan Tantray, S/o Gh. Hassan
Tantray, R/o Kupwara at present Bemina
Srinagar Kashmir aged 34 years.

.....Applicant

By Advocate: Mr. M.Y. Bhat

Versus

1. State of Jammu and Kashmir through Secretary to Govt. Department of Law, Justice and Parliamentary Affairs Civil Secretariat Srinagar/Jammu.
2. Secretary to Govt. Department of Law, Justice and Parliamentary Affairs Civil Secretariat Srinagar/Jammu.
3. Additional Secretary to Govt. Department of Law Justice and Parliamentary Affairs Civil Secretariat Srinagar/Jammu.
4. Shahbir Ahmad Deedad (ALR) C/o Department of Law Justice and parliamentary Affairs Civil Secretariat Srinagar/Jammu.
5. Shashi Kant Bhagat (ALR) C/o Department of Law Justice and Parliamentary Affairs Civil Secretariat Srinagar/Jammu.



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6. Smt. Eashani Sen (ALR) C/o Department of Law Justice and Parliamentary Affairs Civil Secretariat Srinagar/Jammu.

..... Respondents

By Advocate: Mr. B.D. Singh

ORDER**By Hon'ble Mr. D.S. Mahra, Member (J)**

Mr. Faizan Majid vice for Mr. M.Y. Bhat, learned counsel for the applicant, and Mr. B.D. Singh, learned counsel for the respondents are present.

2. Learned counsel for the applicant has filed MA No.160/2022 with a prayer to direct the respondents to take decision on fixation of the seniority in view of the department order dated 22.01.2016 and the law laid down by the Hon'ble High Court of J & K in judgement dated 23.03.2011 passed in LPA No.40/2011 titled as *Siraj Ud Din Shah & ors. Vs Aijaz Rasool Wani & Ors.*



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3. Learned counsel for the respondents has no objection to the same.
4. After hearing both learned counsels for the parties, the respondents are directed to take a final decision on the seniority of the applicant in view of the government order dated 22.01.2016 and the abovementioned judgement dated 22.03.2011 within four weeks from the date of receipt of a certified copy of this order.
5. With this TA No.6872/2020 is disposed of.

(D.S. Mahra)
Member (J)

(Anand Mathur)
Member (A)

sk.



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ANNEXURE - II

(31)

Secretary to the Government,
Department of Law, J & PA,
Civil Secretariat, Srinagar.

Subject: - Representation seeking consideration of the claim of undersigned in compliance with the order dated 22.03.2020 passed by the Hon'ble Tribunal in T.A. No. 6872/2020 titled Suhail Hassan Tantray Vs. State of J&K and others.

Sir,

With due regards and respect, I am to state the following facts for your kind consideration: -

1. That I had filed a writ petition titled Suhail Hassan Tantray Vs. State of J&K and others, seeking therein direction upon the Department, for proper placement in the Seniority List of J&K Legal (Gazetted) Service.
2. That the writ petition (supra) was later transferred to the Hon'ble Central Tribunal-Srinagar Bench, for adjudication and was numbered as T.A. No. 6872/2020 titled Suhail Hassan Tantray Vs. State of J&K and others.
3. That the matter was finally disposed of by the Hon'ble Tribunal vide its order dated 22.03.2020 (**copy enclosed**), operative part whereof reads as under: -

"...Respondents are directed to take a final decision on the seniority of the applicant in view of the government order dated 22.01.2016 and the abovementioned judgment dated 22.03.2011..."

4. Notwithstanding the fact that there was a direction from the Hon'ble Tribunal to take a final decision on the seniority of undersigned, however, the Department has not considered my claim, so far.
5. That while considering the claim of undersigned, it needs to be taken into account that rule 24 of J&K Civil Services (CCA) Rules, 1956 is to be read in toto, which, although, provides that seniority shall be determined by the date of first appointment, however, in terms of proviso (b) to rule 24 of J&K Civil Services (C.C.A.) Rules, 1956, the *inter se* seniority between two or more persons recruited direct has to be according to the position attained by them in order of merit, and in

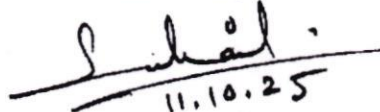
(32)

the present case, the merit obtained by undersigned is far higher than those selected and appointed under reserved categories but due to court intervention, the appointment of undersigned got delayed by 11 days. It's no longer *res integra* that act of court should prejudice none.

6. That condition No. (iii) specified in the initial appointment order of the undersigned categorically states that *inter se* seniority of the appointee (applicant herein) shall be strictly as per the merit in the select list.
7. That claim of the applicant needs to be considered in light of the judicial pronouncements on the issue that also direct to fix *inter se* seniority between those recruited direct based on the merit obtained in the selection process, notwithstanding the fact that orders of appointment orders are issued on different dates.

In the above backdrop, it is requested that claim of the undersigned may be considered and undersigned may be properly placed in the Seniority List of the J&K Legal (Gazetted) Service at all levels, by giving notional effect to my appointment order w.e.f. 19.09.2013, keeping in view the merit position obtained in the selection process and settled position of law on the subject.

Yours faithfully,



11.10.25

(Suhail Hassan Tantray)
Additional Secretary to Government
Department of Law, J & PA

Encl: As above.

Dated: - 11.10.2025

