

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

EMG-CM No. 69-A/2020
In EMG-WP(C) No. 61-A /2020
EMG-CM No. 70-A/2020

Umar Ahmad Bhathanji.

...Petitioner(s)

Through: Mr M. Ashraf Wani, Advocate (Through virtual mode).

vs

Union Territory of JK & Ors.

...Respondent(s)

Through: Mr Mir Suhail, AAG (Through virtual mode).

CORAM:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge (On Video Conference from Srinagar Wing)

ORDER

29.05.2020

EMG-CM No. 69-A/2020;

Mr M. Ashraf Wani, Advocate for Applicant.
Mr Mir Suhail, AAG vice Mr N.H. Shah, Sr AAG for Non-applicants 1 and 3.
Mr Mir Suhail, AAG for Non-Applicant No. 2.

The instant application has been filed by the applicant, seeking extension of time for affixing of requisite court fee with the writ petition and for submitting the attested copy.

On the set of facts and the grounds urged, coupled with submission made, the instant application is allowed and the applicant is permitted to make good the deficiency as and when Registry starts working in the regular form. CM is accordingly *disposed* of.

EMG-WP(C) No. 61-A /2020; EMG-CM No. 70-A/2020;

Mr M. Ashraf Wani, Advocate for Petitioner.
Mr Mir Suhail, AAG vice Mr N.H. Shah, Sr AAG for Respondents 1 and 3.
Mr Mir Suhail, AAG for Respondent No. 2.

Mr Mir Suhail, learned AAG submits that the instant writ petition is not maintainable for lack of jurisdiction as the matter is covered under the orders

passed by this Court very recently in a service matter, for that Central Administrative Tribunal (CAT), has the jurisdiction.

Mr M. Ashraf Wani, learned counsel appearing for the petitioner submits that the subject matter of the writ petition has reference to the challenge *qua* selection of private respondent against the post of Naib Tehsildar. He further submits that the dispute raised in this writ petition pertains to the selection process for the post of Naib Tehsildar therefore, is not governed by the ratio laid down in the judgment referred to by the learned Government counsel, which exclusively relates with the disputes arising out of service contract, of an employee of the Government of Jammu and Kashmir.

Notice in the main petition as well as in connected CM.

Mr Mir Suhail, learned AAG waives notice on behalf of Respondents 2 and on behalf of Respondents 1 and 3 vice Mr N.H. Shah, learned Sr AAG. Objections by or before next date of hearing.

Registry shall serve the notice to the Respondent No. 4 through fastest mode available, returnable by or before next date of hearing.

List on 5th of June, 2020.

Registry to made available copy of this order to the learned appearing counsel for the parties through e-mail.

(Ali Mohammad Magrey)
Judge.

SRINAGAR;
29.05.2020
"Hamid"