

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

EMG-WP(C) PIL No. 3/2020  
EMG-CM No. 28/2020  
(Through Video Conferencing)

Aditya Sharma and another

...Petitioner(s)

Through:- Mr. Gagan Basotra, Advocate  
Mr. Abhinav Sharma, President J&K Bar  
Association, Jammu

v/s

Union of India and others

... Respondent(s)

Through:- Mr. D. C. Raina, AG with  
Mr. Aseem Sawhney, AAG  
Mr. Vishal Sharma, ASGI

**Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE  
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**

1. At the very outset, it was pointed out by Mr. D. C. Raina, learned Advocate General that Mr. Asheesh Singh Kotwal, an Advocate practicing at Jammu, has filed a petition before the Hon'ble Supreme Court bearing Writ Petition (Civil) Diary No(s). 11200/2020 in public interest, raising the issue of Constitution of a permanent Bench of Central Administrative Tribunal (CAT) at Jammu. He submitted that while filing the aforesaid petition, despite knowledge about the pendency of the petition before this Court raising the same issue, the fact was not disclosed. He further submitted that in the aforesaid petition, notice

has been issued on May 20, 2020 for four weeks. He further submitted that Officers of the CAT had visited Jammu and have finalized the building and even the possession thereof has been taken. As and when the requirement is put for Srinagar, needful shall be done.

2. Mr. Vishal Sharma, learned ASGI submitted that the relief prayed for in the present petition has been rendered infructuous as the notification under challenge has been withdrawn and a permanent Bench of CAT has been created in the Union Territory of J&K and Ladakh. For creation of additional posts, the matter has to be referred by the CAT to the Government. More than ten cases have been filed through e-filing. Those are also being heard through Video Conferencing.

3. Mr. Gagan Basotra, learned counsel appearing for the petitioners submitted that building where the Bench of CAT is proposed to be open is not sufficient for lack of parking space. He suggested that building being used by the High Court for State Judicial Academy can be given for setting up of the Bench of CAT. Earlier proposal was given for utilization of ADR Complex for the purpose. He further submitted that the petitioners will move an application before the Hon'ble Supreme Court seeking clarification and apprising the Court about the pendency of PIL before this Court raising the same issue.

4. It may be noticed that both the buildings are being used and are not lying vacant and there is already huge shortage of space with High Court.

5. Mr. Abhinav Sharma, learned Counsel and President of Bar Association submitted that the present petition in public interest was filed before this Court prior to the filing of the petition before the Hon'ble Supreme Court. The same

may be kept pending. There is problem of parking and bar room in the building proposed where the Bench of CAT is sought to be established.

6. We have noted the aforesaid contentions raised by the learned counsel for the parties. However, we are refraining ourselves from passing any order on account of propriety, for the reason that the Hon'ble Supreme Court has already taken cognizance of the matter pertaining to the setting up of Bench of CAT in the Union Territory of Jammu and Kashmir and Ladakh.

7. Adjourned to 30.06.2020.

Jammu  
29.05.2020  
Paramjeet

**(SANJAY DHAR)**  
**JUDGE**

**(RAJESH BINDAL)**  
**JUDGE**

