

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

RP No. 63/2023
CM No. 1706/2023
CM No. 1919/2023
c/w
CCP(S) No. 30/2023

Union of India and others

.....Appellant(s)/Petitioner(s)

Through: Mr. Vishal Sharma, DSGI

vs

Narender

..... Respondent(s)

Through: Mr. VinayakPhull, Adv.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
31.10.2024

ORAL:

CM No. 1919/2023:

1. The petitioners/applicants through the medium of present application is seeking condonation of delay in filing the application for review of the judgment dated 21.05.2022 passed by this Court in WP(C) No. 1968/2020, tiled, Narender vs. Union of India and others.
2. It is pleaded by the applicants that it took enormous time at the first instance to implement the judgment and thereafter, for deciding to avail the appropriate remedy after realizing that as per policy decision, direct recruitment process of civil man power including Group A, B and C categories has been stopped.
3. The respondent has filed the response, thereby stating that no valid reason has been assigned by the applicants for condoning the delay and further that all the assertions made in the application have no concern and relevance to

the case of the respondent, titled, “Narender vs. Union of India and others”. It is pleaded that the MOD has put on hold recruitment activities i.e. issuance of NAC/grant of extension of validity of NAC and further that MOD had accorded approval for grant of extension of validity of NACs in 9250 cases and subsequent to the provisional offer of appointment for the post of MTS (General Category) dated 08.07.2016 in favour of the respondent.

4. Mr. Vishal Sharma, learned DSGI for the applicants has submitted that initially while the applicants were in the process of complying the judgment, it was found that the direct recruitment process of civil man power has been stopped and thereafter some time was consumed in obtaining the legal opinion and after legal opinion was provided, the application for review of the judgment dated 21.05.2022 along with instant application for condoning the delay was filed.
5. Mr. Vinayak Phull, learned counsel for the respondent has argued that the applicants have not demonstrated any sufficient cause for condoning the delay and once as a special case, 9250 cases were considered as one time exception, the case of the respondent could also have been considered by the applicants.
6. Heard and perused the record.
7. The applicants in para 10 of the application have furnished the details in respect of the proceedings conducted on day-to-day basis and this Court need not reiterate the same herein but the applicants are candid enough to submit and admit before this Court that while the steps were being taken to implement the judgment, it was found that the recruitment process of civil

man power had been stopped and thereafter, the issue was examined again and it was decided to file application seeking review of the judgment. Whether the grounds projected by the applicants for review of the judgment are sustainable or not cannot be considered, while considering an application for condonation of delay but this Court is satisfied that the applicants have demonstrated sufficient cause for condoning the delay in filing the review of the judgment passed by this Court in WP(C) No.1968/2020, accordingly, this Court allows the application seeking condonation of delay.

8. Delay condoned.
9. Review petition is taken on board.
10. Notice. Mr. Vinayak Phull, Advocate accepts notice on behalf of the respondent. He seeks time to file response.
11. Time is granted.
12. List on 18.11.2024.

(RAJNESH OSWAL)
JUDGE

Jammu
31.10.2024
Rakesh

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No