

ITEM NO.7 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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15419/2021

(Arising out of impugned final judgment and order dated 24-02-2021 in LPA No. 146/2019 passed by the High Court Of Jammu & Kashmir And Ladakh At Srinagar)

STATE OF JAMMU AND KASHMIR & ORS.

Petitioner(s)

VERSUS

TARIQ AHMAD WANI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.124009/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-10-2021 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) Ms. Taruna Ardhendumauli Prasad, AOR
Mr. Parth Awasthi, Adv.
Ms. Ankita Budhiraja, Adv.

For Respondent(s)

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

Application for exemption from filing c/c of the impugned judgment is allowed.

Learned counsel for the petitioners contends that the impugned judgment would amount to giving regularization even where no vacancy exists. She submits that judgment in *Rabia Shah v. State of Jammu & Kashmir & Ors.* (COD No.159/2016) has been distinguished in the case of *Suhail Maqbool Dar v. State of Jammu & Kashmir & Ors.*, (Srinagar Bench), SWP No.2127/2016, even though the Special Leave Petition in *Rabia Shah's* case (supra) was dismissed.

Issue notice.

Dasti as well.

In the meantime, we direct that the regularization would take effect in terms of the impugned judgment for the existing vacancies. The effect is that if sufficient number of vacancies exists, all the respondents will be beneficiaries but if there is a deficiency of vacancies, then such of the respondents who by seniority would be entitled as per the existing vacancies would get the benefit, and others would get the benefit from the date the vacancy arose. The result is that regularization will take place from the date of the corresponding vacancies.

Tag with SLP [C] No.8720/2021.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)