

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

Sr. No.101

CM No.2672/2020
in WP(C) No.1111/2020
CM No.2673/2020

(Through Video Conferencing)

Nishant Khatri and others

...Petitioner(s)

Through:- Petitioner No.1 present in person.
(Through Video Call)

V/s

Union of India and another

...Respondent(s)

Through:-

Coram :- HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
(Through Video Conferencing from Jammu)

ORDER

04.08.2020

CM No.2672/2020

For the reasons explained in the application, it is allowed by extending the time by one month from filing hard copy of the petition, requisite court fee along with affidavit etc., at this stage.

Disposed of.

WP(C) No.1111/2020, CM No.2673/2020

Petitioner Nos. 1 and 3 are stated to be domiciles of State of Haryana and petitioner No.2 is stated to be permanent resident of erstwhile State of Jammu and Kashmir who is now a resident of Union Territory of Ladakh. By the medium of present petition, petitioners challenging Sections 3A, 5A, 6, 7 and 8 of Jammu and Kashmir Civil Services (Decentralization

and Recruitment) Act, 2010, on the ground that the same are violative of Article 14, 16, 19 and 21 of the Constitution of India. It is contended that the Parliament has never delegated the law making power of Article 16(3) of Constitution to the Central Government under Section 96 of Jammu and Kashmir Reorganization Act, 2019. The power delegated under Section 96 was only for the purpose of facilitating the applications of already prevailing law in former State of Jammu and Kashmir or to make laws applicable to new Union Territories of J and K and Ladakh. It is further contended that every modification or adaptation of any law shall be done in that reference only and not beyond. Petitioners further contend that the power delegated under Section 96 shall not be in any manner construed as delegation of parliamentary power of Article 16(3) of Constitution of India.

Issue notice to the respondents in the main petition as well as in CM, returnable within four weeks. *Dasti* service is also permitted.

List on 3rd of September, 2020.

(Tashi Rabstan)
Judge

Jammu
04.08.2020
Surinder