



**Central Administrative Tribunal  
Jammu Bench, Jammu**

Hearing through video conferencing

OA No. 062/492/2020

Tuesday, this the 19<sup>th</sup> day of August, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)**  
**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

1. Dr. Waseem Raja Aged 40 years S/o Abdul Rehman, R/o Chadoora Budgam
2. Dr. Muiez Bashir Aged 30 years, S/o Bashir Ahmad Mir, R/o Kulgam
3. Dr. Rabiya Khanam Aged 30 years, D/o Ghulam Nabi Khan R/o Manjakote Rajouri
4. Dr. Kifayat Hussain Ganaie Aged 30 years S/o Gulam Hussain Ganai R/o Devsar Kulgam.

.....Applicants

(Advocate: Mr. Mudasir Bin Hasan

Versus

1. The Union Territory of Jammu and Kashmir through its Commissioner cum Secretary to Government, Health & Medical Education Department, Civil Secretariat, Jammu/ Srinagar

2. The Director, Health Services Kashmir Division, Srinagar (Kashmir).
3. The Director, Health Services Jammu Division
4. The Director SKIMS, Medical Institute Soura Srinagar, Kashmir

.....Respondents

(Advocate:Mr. Amit Gupta, AAG)

## O R D E R

### **Rakesh Sagar Jain, Member (J):**

1. This OA has been filed seeking the following relief(s):
  - “(i) Directing Respondents 1 to 3 to relieve the applicants so as to enable them to join as Senior Residents in various specialities for which the applicants have been declared to have been selected by Respondent No. 4 vide Order No. SIMS/ACAD/472 of 2020 dated 15.07.2020 in the SKIMS Medical Institute Soura Srinagar.
  - (ii) Directing Respondents 1 to 3 to issue NOC to the applicants for enabling them to undergo Senior Residency in the SKIMS Medical Institute Soura Srinagar with further direction to the Respondent No. 4 to allow the applicants to join the selected post of Senior Residents till they are relieved by Respondent No. 1 to 3.
2. Learned counsel for the applicants submits that looking to the nature of the relief(s) sought by the applicants, the OA can be disposed of by directing the respondents to relieve the applicants to enable them to

join as Senior Residents as also to issue the NOC with a further direction to respondent No. 4 to permit the applicants to join on selected posts of Senior Residents as and when they are relieved by respondents No. 1 to 3.

3. We have heard and considered the arguments of both the parties. Accordingly, looking to the nature of the relief(s) sought by the applicants, this OA is disposed of with directions to the respondents No. 1 to 3 to take a decision as to whether applicants are to be relieved or not as prayed for in the OA. The respondents shall take this decision within two weeks from the date of receipt of a copy of this order. The respondents No. 1-3 would take a similar decision on the NOC to be issued in favour of the applicants to enable them to undergo Senior Residency in FAIMS Medical Institute, Soura, Srinagar. In case respondents No. 1-3 give the decision in favour of the applicants, the respondent No. 4 would permit the applicants to join the post of Senior Residents within one week from the date of decision taken by the respondents.

4. OA stands disposed of with the above directions. No costs.

**( Rakesh Sagar Jain )**  
**Member (J)**

**( Dr. Bhagwan Sahai )**  
**Member (A)**

**ND\***