

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/990/2021

This the 04th day of March, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)



1. Abid Rasool Bhat (Age 29 years) S/o Ghulam Rasool Bhat, R/o Goundhyder Washbugh Pulwama.
2. Firdous Ahmed Rather, (Age 35 years), S/o Ghulam Nabi Rather, R/o Methan Chanapora, Srinagar.
3. Rifat Rasool (Age 35 years), D/o Ghulam Rasool Dar, R/o Chinkpora Sopore, Baramulla.
4. Amanullah Dar (Age 31 years), S/o Abdul Ahad Dar R/o Parigam Yaripora, Kulgam.
5. Amjid Ahmad Haji (Age: 32 years), S/o Mohammad Ismail Haji, R/o Lajura Kunjipura Pulwama.
6. Bilal Abass Shah (Age 34 years) S/o Abdul Hamid Shah R/o Turgawangam, Shopian.
7. Mohammad Aazad Wani Age 36 years s/o Mohammad Yousuf Wani, r/o Qazipura, Bandipora.
8. Zahid Hyder (Age 37 years), S/o Ghulam Mohammad Rather, R/o Pattan, Baramulla.
9. Mohammad Maqbool Yatoo (Age 36 years), S/o Ghulam Rasool Yatoo (R/o Magam Beerwah Budgam.
10. Rashid Khaliq (Age 30 years) S/o Abdul Khaliq Tantrey, R/o Bund Brath, Sopore.
11. Rehana Sultan (Age 34 years), S/o Ghulam Mohammad Dar r/o Dar Mohalla, Soura Srinagar.
12. Pir Musadiq Zia (Age 31 years) S/o Pir Zia ud Din, R/o Lati Short Sopore, Baramulla.
13. Shabir Ahmad Mir, (Age 38 years), S/o Ghulam Nabi Mir R/o Mollu Chitragam, Shopian.

.....Applicants

(Advocate:- Mr. M I Dar)

Versus

1. State of J&K through Commissioner/Secretary to Government, Department of Health & Medical Education, Civil Secretariat, Srinagar/Jammu.
2. Principal, Government Medical College (GMC), Srinagar/Kashmir.

.....Respondents

(Advocate: Mr. Rajesh Thappa, Deputy Advocate General)

ORDER

[O R A L]

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

During the course of the argument, learned counsel for the applicants submitted that the applicants would be satisfied if the respondents are directed to regularize their services.



2. We have heard Mr. M.I. Dar, learned counsel for the applicants and Mr. Sudesh Magotra, ld. Deputy Advocate General for the respondents and perused the record.

3. The prayer in the TA is to direct the respondents to regularize the services of the applicants. We find it difficult to accede to such a request. As a matter of fact the Hon'ble Supreme Court deprecated the practice of issuing such direction. At the same time, if there exists any policy in the Government as regards dealing with the employees of this nature, the case of the applicants also needs to be considered in accordance with rules. Beyond that, we cannot issue any direction.

4. We, therefore, dispose of the TA directing the respondents to consider the cases of the applicants, in terms of the existing policy and relevant schemes governing regularization, if permissible under the rules, within a period of three weeks from the date of receipt of a certified copy of this order. Till then status quo be maintained with regard to the applicants.

5. Learned D.A.G. to inform the respondents regarding this order.

6. It is made clear that we have not expressed any opinion on the merits of the case. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)