

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

OA No. 062/0858/2000

**Reserved on Interim Relief on 28.09.2020
Order Pronounced on 08.10.2020**



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

1. Majid Ahmad Para, aged 24 years, S/o: Mohd. Yousuf Para, R/o: Nooripora, Magam, Pattan, Baramulla, Pin. 193401.
2. Anwar Ali Mir, aged 23 years, S/o: Gh. Mohd Mir. R/o: Nooripora Magam, Pattan, Baramulla, Pin 193401.

.....Applicants

(Advocate: Mr. R.A. Bhat)

Versus

1. Union Territory of J&K, through Principal Secretary to Government, Department of Skill Development/ Technical Education Department, J&K Government, Civil Secretariat, Srinagar/Jammu. Pin 190001.
2. Director, Department of Skill Development/Technical Education, Srinagar, Kashmir, Pin-190001.
3. Principal/Superintendent, Department of Skill ITI Pattan Baramulla, Pin-193101.
4. Principal/Superintendent, Department of Skill Development, ITI Baramulla, Pin-193121.

.....Respondents

(Advocate: Mr. Amit Gupta)

ORDER



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

Applicants, Majid Ahmad Para and Anwar Ali Mir seek following reliefs:-

- “(a) That the respondents be directed not to replace the petitioners by another set of temporary arrangements, as same is against the law laid down by the Hon'ble Apex Court in number of judgments. The respondents be further directed to release all unpaid wages/remuneration of the Applicants as same shall be in the interests of justice.*
- (b) Any other order or direction which this Hon'ble Tribunal may deem fit in the circumstances of the case may also be passed in favour of the Applicants and against the respondents in the interest of justice and equity.”*

2. The case of applicants is that they were appointed as Instructor as Guest Faculty in the respondents department in the year 2018. It is the further case of the applicants is that respondents have initiated process to substitute them with another employee. Therefore, the present O.A. is for a direction to the respondents not to replace the applicants by another set of temporary employees and as also further directions to respondents to release the unpaid wages in favour of the applicants.



3. On query put to the learned counsel for the applicant, he is unable to show that any notification or advertisement inviting applications for appointment of Instructor as Guest Faculty has been issued for the respondents. Apparently, no process has been initiated by the respondents to replace the applicants who are temporary employees by another set of temporary employees. It is the mere apprehension of the applicants upon which the present O.A. has been filed. Therefore, no cause of action has accrued to the applicants to file present O.A.

4. Learned counsel for the applicants submitted that it is a settled law that one set of temporary employees cannot be replaced by another set of temporary arrangements. There is no dispute about the above proposition of law submitted by the learned counsel for the applicants. However, as discussed above, no cause of action has accrued to the applicants to file the present O.A. Applicants have also sought a direction to the respondents to disburse their unpaid wages.

5. In view of the above, the O.A. is partly allowed and respondents are directed to disburse the unpaid wages, if any, in favour of the applicants under rules and regulations within one month from the date of receipt of certified copy of this order.

6. O.A. is disposed of accordingly. No costs.

(ANAND MATHUR.)
MEMBER (A)

sks/-

(RAKESH SAGAR JAIN)
MEMBER (J)