



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

OA No. 62/674/2020

Tuesday, this the 06th day of October, 2020

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

1. Muslim Jan D/o Mohammad Ayoub Pandit, R/o Uthmullah, Hawal, District Pulwana, (J&K).
2. Arifa Aijaz D/o Aijaz Ahmad Dar,, R/o Keegam, Tehsil and District Shopian.
3. Shakeel Ahmad Paray, S/o Mohammad Yousuf Paray, R/o Herpora, Chansal, Tehsil and District Kulgam.
4. Ishtyaq Ahmad Bhat, S/o Nazir Ahmad Bhat, R/o YK Pora, Kazigund, Tehsil Kazigund and District Anantnag.
5. Hashim Rasheed S/o Abdul Rasheed Dar, R/o Reshipora, Zainapora District Shopian.

.....Applicants

(Advocate: Sri Gulzar Ahmed Bhat

Versus

1. Union Territory of J&K, through its Principal Secretary to Technical Education at Civil Sectt. Srinagar/Jammu.
2. Director Technical Education J&K at Srinagar/Jammu.
3. Joint Director, Technical Education Kashmir Bypass Road, Bemina, Srinagar.
4. Principal/Superintendent ITI District Shopian.

.....Respondents

(Advocate: Mr.Amit Gupta)

ORDER

By: Hon'ble Mr. Rakesh Sagar Jain, Member (J)

The applicants, Muslim Jan and four others, seek the following reliefs:

- (a) By issuance of order/direction, directing the respondents to allow the applicants to continue in the department in their respective positions.*
- (b) By issuance of order/direction, directing the respondent No.4 to allow the petitioners to continue in ITI Shopian pursuant their engagement and approvals issued by the department till they are brought on regular establishment.*
- (c) By issuance of order/direction, commanding upon the respondents not to disengage the applicants from the positions/posts engaged by the department pursuant to advt. notice dated 30.10.2019.*
- (d) Further such other appropriate relief which have not specially prayed herein may also be passed in favour of the applicant/petitioner and against the respondents”.*

2. During the course of arguments, it was submitted by learned counsel for the applicants that he would be satisfied if the O.A is disposed of by directing the respondents to allow the applicants to continue as Guest Instructors at ITI Shopian till regular selection is made and services of the applicants should not be substituted by way of any other ad-hoc/ temporary/ contractual appointee. In fact, applicants have no grievance in case the respondents proceed with the regular selection process in which the applicants would be able to participate.
3. Heard and considered the arguments of learned counsel for the applicants and Shri Amit Gupta, learned counsel for the respondents and gone through the material on record.

4. In view of the arguments of counsel for the parties, O.A is disposed of with the following directions:

(i). The respondents shall stand prohibited from substituting the services of the applicants by way of another set of contractual arrangements, provided their services had been satisfactory and if there is work available in the trade for which applicants were engaged.

(ii). Respondents shall be at liberty to initiate the regular selection process in which the applicants would be permitted to participate, provided they fulfil the eligibility condition, if any.

5. It is made clear that we have not entered into the merit of the case.
6. In view of the above direction, the OA is disposed of. No costs.

(Mr. Pradeep Kumar)
Member (A)

(Rakesh Sagar Jain)
Member(J)

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