

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.62/1350/2020
(SWP.No.1182/2012)

Wednesday, this the 28th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)**

1. Mohammad Yaqoub Malik, age 47 years,
S/o. Ghulam Qadir Malik, R/o. Rainawari, Srinagar.
2. Mohammad Ashraf Dar, age 45 years, S/o. Ghulam Hassan Dar,
R/o. Kursoo, Rajbagh, Srinagar.

.....Applicants

(Advocate: Mr. M.A. Qayoom)

Versus

1. J&K Horticulture Produce Marketing & Processing,
Corporation Limited, (JKHPMC) Srinagar, through
its Managing Director.
2. Syed Rafiq Ahmad, I/C Managing Director,
JKHPM Ltd., Srinagar.
3. General Manager (HQ), JKHPM Ltd., Srinagar.
4. Manager (Per. & Admn.), JKHPM Ltd., Srinagar.
5. Deputy Manager, Zonal Office, JKHPM Ltd., Srinagar.

.....Respondents

(Advocate:- Mr. Rajesh Thapa, DAG)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The 1st respondent issued a Circular dated 04.08.2011, stating that on account of acute shortage of Class-IV employees, the District Zonal Heads shall utilize the services of the Class-IV employees/Orderlies/Chowkidars, for proper watch and guard wherever required and vice-versa so that Corporation property is safe guarded.

2. The applicants are working as Class-IV employees in the respondent-Organization. According to them, the assignment of watch and guard duties to them through the impugned circular was contrary to law. They filed SWP No.1182/2012, challenging the circular. An interim order was passed by the Hon'ble High Court on 06.06.2012, directing that the order dated 04.08.2011 shall not be acted upon till the next date of hearing. It does not appear that the same has been extended on the next date of hearing. The SWP has since been transferred to this Tribunal in view of the re-organization of the State of Jammu & Kashmir, and re-numbered as TA.No.1350/2020.

3. We heard Mr.Mian Tufail Ahmad, proxy counsel representing Mr.M.A.Qayoom, learned counsel for the applicant and Mr.Rajesh Thappa, learned Deputy Advocate General for the Respondents.

4. The only arrangement ordered through the impugned circular was that the Zonal Heads shall utilize the services of Class-IV employees/Orderlies/Chowkidars, for watch and guard duties and vice-versa. If the applicants feel aggrieved by that, they can certainly make a representation in this behalf. For the sake of these two persons, the entire circular need not be interfered with. At any rate, 9 years have elapsed since the circular was issued and there is substantial change of circumstances.

5. We, therefore, dispose of the TA declining to interfere with the circular, but directing that in case, the applicants have any grievance, it shall be open to them to make a representation in that behalf. There shall be no orders as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 28, 2020

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