

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 062/2164/2020

This the 12th day of October, 2020

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

1. Gulshan Ahmad Wani aged 44 years, S/o Hamzullah Wani R/o Sopore, District Baramulla.
2. Rukhsana Rashid aged 41 years, D/o Abdul Rashid Bhat R/o Amdah Kadal, Lal Bazar, Srinagar.
3. Shazia Rashid aged 38 years, D/o Abdul Rashid, R/o Kawdara, Srinagar.
4. Rukhsana Bashir aged 41 years, D/o Bashir Ahmad R/o Noor Bagh, Sopore, District Baramulla.
5. Ajaz Hussain aged 42 years, S/o Pi Siraj-ud-din, R/o New Colony Sopore, District Baramulla.
6. Bilal Ahmad Dar aged 38 years, S/o Abdul Salam Dar R/o Shah Izat Colony, Tarzoo Road, Sopore, Baramulla.

.....Applicants

(Advocate: Mr. M.M. Dar)

Versus

1. State of Jammu and Kashmir through Chief Secretary to Government, Civil Secretariat, Jammu.
2. Commissioner/Secretary to Government General Administration Department, Civil Secretariat, Jammu.
3. Commissioner/Secretary to Government Finance Department, Civil Secretariat, Jammu/Srinagar.



4. Commissioner/Secretary to Government, Higher Education Department, Civil Secretariat, Jammu/Srinagar.
5. Director of Colleges, Higher Education Department, J&K Jammu/Srinagar.
6. Nodal Principal, Amar Singh College, Gogji Bagh, Srinagar.

.....Respondents

(Advocate: Mr. Sudesh Magotra)



ORDER

[O R A L]

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

The applicants, Gulshan Ahmad Wani and five others, seek the following reliefs:

- (a) Issue a writ, order or direction in the nature of prohibition, prohibiting the respondents more particularly respondent No. 6 from following any other procedure for consideration of re-engagement of petitioners for academic arrangement in violation of direction/communication dated 14.03.2013 and 15.5.2015 issued by the respondent No.4 forming Annexure H & K to the writ petition.*
- (b) Issue a writ, order or direction in the nature of mandamus commanding the respondent No. 1 to 3 to take formal decision either by themselves or by referring the matter to duly constituted committee for taking decision upon the proposal moved by the respondents No. 4 vide proposal dated 29.08.2014 form Annexure J to the writ petition by making either amendment in the existing J&K Civil Services (Special Provision) Act 2010 by bringing academic arrangement also within the purview of the act in addition to the already existing classes adhoc, consolidated and contractual or by taking any other*

similar policy decision for permanent absorption/regularization of the petitioners.

(c) Issue a writ, order or direction in the nature of mandamus commanding the respondents, more particularly respondent No. 6 to re-engage the petitioner again against the arrangement held by them as per the norms and directions issued by the respondent No. 4 vide communication dated 14.3.2013 and 15.5.2015 for the academic year 2016-17 while taking into consideration the long services rendered by the petitioners in this regard as reflected in the annexures annexed in the petition.

(d) The Hon'ble Court may pass any other order or direction, which it deems just and proper under the facts and circumstances of the case".

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 Lecturers 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 Sudesh Magotra, 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 TA is disposed of. No costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

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