



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.62/2512/2020

This the 02nd day, Wednesday of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Anand Mathur, Member (A)

Riyaz Ahmad Mir Aged 31 years,
S/o. Gh. Mohidudin Mir,
R/o. Dooni Pava Achabal Anantnag.

...Applicant

Advocate: Mr. M. Ashraf Wani

Versus

1. State of Jammu & Kashmir through
Its Commissioner/Secretary,
Health and Medical Education Department,
Civil Secretariat, J&K Sgr/Jammu;
2. Mission Director NHM Kashmir, Old Secretariat
Srinagar;
3. Deputy Commissioner Anantnag;
4. Chief Medical Officer, Anantnag;
5. Block Medical Officer, Achabal Anantnag.

...Respondents

(Advocate: Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)**Hon'ble Mr. Anand Mathur, Member (A):**

It is submitted by the learned counsel for the applicant as well as Mr. Amit Gupta, Additional Advocate General for respondents that this Tribunal has no jurisdiction to hear the case.

2. Contention of both the learned counsel and learned Additional Advocate General has force and it is to be accepted.

3. It is submitted by the Mr. Amit Gupta, Learned Dy. Advocate General that this Tribunal has no jurisdiction to hear the case since the respondents are not covered by any notification to be issued by the Central Government under Section 14(2) of the Administrative Tribunal Act, 1985, therefore, the Tribunal cannot assume jurisdiction in respect of any service matter pertaining in respect of the District Rural Health Society, Anantnag under the Act. We accordingly hold that this Tribunal is not vested with any jurisdiction to entertain any petition related to any service dispute in respect of Respondents.



4. In similar circumstances, the Bench of Armed Forces Tribunal, Jammu comprising of Hon'ble Mr. Justice Mohammad Tahir, Member (J) and Hon'ble Vice Admiral A.G. Thapliyal in TA No. 267 of 2017 (SWP No. 1188 of 2014) titled Bahadur Singh v/s Union of India vide order dated 25.03.2019 held that since the Tribunal does not have the jurisdiction to deal with the matter, the case be sent back to the Registrar (Judicial), High Court of Jammu & Kashmir to be listed before the appropriate Bench.

5. Therefore, since this Tribunal has no jurisdiction to deal with the present case, this case be sent back Registrar (Judicial), High Court of Jammu & Kashmir at Srinagar to place before the Hon'ble Bench for further orders.

6. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Srinagar on 23.12.2020. No order as to costs.

(Anand Mathur)
Member (A)

(Rakesh Sagar Jain)
Member (J)

“asvs”