

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A./62/4384/2020

This the 20th day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**



1. Dr. Javeed Hussain Mugloo, age 42 years, S/o Late Gulam Rasool Mugloo, R/o Lal Bazar, Srinagar.
2. Dr. Mohammad Saleem, age 43 years, S/o Mohammad Amin Dar, R/o Tujain, Pulwama.
3. Dr. Raju Parvaiz, age 40 years, S/o Mohammad Yousuf Rangrez, R/o Bohri Kadal, Srinagar.
4. Dr. Zahoor Ahmad Banday, age 42 years, S/o Ali Mohammad Banday, R/o Anantnag.
5. Dr. Tariq Ahmad, age 43 years, S/o Abdul Aziz Jan, R/o Bandipora.
6. Dr. Hilal Ahmad Lone, age 44 years, S/o Ghulam Qadir Lone, R/o handwara.
7. Dr. Shabir Ahmad Bhat, age 42 years, S/o Mohammad Sidiq Bhat, R/o Hajiwera, Pattan.
8. Dr. Mohammad Ayub Sofi, age 42 years, S/o Mohammad Abdullah Sofi, Ashtangoo, Bandipora.
9. Dr. Manzoor Ahmad Shah, age 42 years, S/o Abdul Aziz Shah, R/o Parraypora, Srinagar.
10. Dr. Ifat Ali, age 42 years, D/o Mohammad Akram Kharadi, R/o Anantnag, Kashmir.
11. Dr. Nazir Ahmad Mir, age 42 years, S/o Ghulam Qadir mir, R/o Pulwama.
12. Dr. Abdul Rashid Mir, age 42 years, S/o Mohammad Ayub Mir, R/o Wampora, Pulwama.
13. Dr. Reyaz-ul-Rahman, age 42 years, S/o Ghulam Mohammad Lone, R/o Bandipora.
14. Dr. Shabir Ahmad Dar, age 42 years, S/o Abdul Ahad Dar, R/o Bandipora.

15. Dr. Mushtaq Mohammad Dar, age 42 years, S/o Ghulam Mohi-ud-din Dar, R/o Bathar, Budgam.
16. Dr. Aijaz Hussain Baba, age 42 years, S/o Ghulam Mohi-ud-din Baba, R/o Chrarisharief, Chadoora.
17. Dr. Fayaz Ahmad, age 40 years, S/o Ali Mohammad Ganai, R/o Chadoora, Budgam.
18. Dr. Syed Gowhar Bilal, age 40 years, S/o Syed Bilal Ahmad, R/o Narbal, budgam.
19. Dr. Elyas Ahmad Bhat, age 40 years, S/o Abdul Aziz bhat, R/o Anantnag.
20. Dr. Sajjad Hussain Kuchay, age 42 years, S/o Ghulam Mohammad Sofi, R/o Anantnag.
21. Dr. Roof Ahmad Shah, age 42 years, S/o Jalal-Din Shah, R/o Anantnag.
22. Dr. Malik Arshad Hussain, age 47 years, S/o Dr. Khurshid Ahmad Malik, R/o Monghal, Anantnag.
24. Dr. Reyaz Ahmad Mehboobi, age 42 years, S/o Nazir Ahmad Shah, R/o Panzan, Pulwama.
25. Dr. Khurshid Ahmad Ganie, age 41 years, S/o Ghulam Ganie, R/o Bijbehara, Anantnag.
26. Dr. Mohammad Amit Bhat, age 43 years, S/o Mohammad Yousuf Bht, Bugam, Kulgam.
27. Dr. Mohammad Ayub Marazi, age 45 years, S/o Ghulam Nazi Marazi, R/o Kulangam.
28. Dr. Mohammad Ayub Wani, age 47 years, S/o Mohammad Sultani Wani, R/o Nadihal, Baramulla.
29. Dr. Mumtaz Ahmad Khan, age 43 years, S/o Mohammad Abdullah Khan, R/o Takipora, Lolab.
30. Dr. Nissar Ahmad Bhat, age 43 years, S/o Mohammad Sultan Bhat, R/o Puzwa, kupwara.
31. Dr. Ghulam Hassan Mir, age 43 years, S/o Abli Mir. R/o Kupwara.
32. Dr. Iftikhar Khazir, age 43 years, S/o Khazir hmad Dar. R/o Watergam, Baramulla.
33. Dr. Mohammad Sultan, age 45 years, S/o Mohammad Maqbool Sheikb, R/o Chadoora.

.....Applicants

(Advocate: Mr. Mian Tufail for Mr. M A Qayoom)

Versus

1. State of J&K through Commissioner/Secretary to Government, Health and Medical Education Department, Srinagar/Jammu.
2. Director General, Indian Systems of Medicine, J&K, Jammu.
3. Deputy Director, Indian Systems of Medicine, Kashmir, Srinagar.
4. Assistant Medical Officer, Srinagar.
5. Assistant Medical Officer, Budgam.
6. Assistant Medical Officer, Pulwama.
7. Assistant Medical Officer, Shopian.
8. Assistant Medical Officer, Anantnag.
9. Assistant Medical Officer, Kulgam.
10. Assistant Medical Officer, Ganderbal.
11. Assistant Medical Officer, Baramulla.
12. Assistant Medical Officer, Bandipora.
13. Assistant Medical Officer, Kupwara.

.....Respondents

(Advocate:- Mr. Rajesh Thappa, Deputy Advocate General)

ORAL ORDER**{By Hon'ble Sri Justice L. Narasimha Reddy, Chairman}**

The applicants were initially appointed as Medical Officers on contractual basis in the year 2001 in the Health Department of Government of Jammu & Kashmir. Thereafter, their services were regularised in the year 2013 and they were all put into regular scale of pay. Through an order dt. 25.10.2013, they were transferred from Jammu Division to Kashmir Division. Through a subsequent order dt. 28.11.2015, they were re-transferred from Kashmir Division to Jammu Division. Challenging the same, they filed SWP No. 2604/2015 before the Hon'ble High Court of Jammu & Kashmir.

2. The main ground raised by the applicants is that though they have been engaged on contractual basis by the Government, their services were regularised by the Government, and it was not competent for the Director General of Indian Systems of Medicine, Jammu and Kashmir, to transfer them to Jammu. Certain other grounds were also urged.

3. The Hon'ble High Court at Srinagar passed an interim order on 03.12.2015 directing the status quo as regards the working of the applicants.

4. The Writ Petition has since been transferred to the Tribunal in view of re-organization of the State of Jammu and Kashmir and renumbered as TA No. 4384/2020.

5. Today, we heard Sri Mian Tufail Ahmad, learned counsel for Sri M.A. Qayoom, for the applicant and Sri Amit Gupta, learned Addl. Advocate General for the respondents.

6. The record discloses that the respondents filed a counter affidavit way back on 02.12.2016. It is stated that the impugned order has since been rescinded.

7. It is rather unfortunate that such an important fact was not brought to the notice of the Hon'ble High Court and the result is that the writ petition was unnecessarily pending on the file of the Hon'ble High Court for the past so many years and it has been transferred to this Tribunal, almost in a dead condition.

8. TA is accordingly dismissed as infructuous. There shall be no order as to costs.

A.K. BISHNOI

JUSTICE L. NARASIMHA REDDY

MEMBER (ADMN.)

CHAIRMAN

/evr/