

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A./62/5179/2020

This the 20th day of November, 2020

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



1. Gowhar Ahmad Khan (aged 42 years)
s/o Mohammad Shafi Khan r/o Zainder Mohalla, Srinagar.
2. Syed Mubarik Qadri (age 45 years)
s/o Syed Mohammad Yousuf Qadri, r/o Shalimar, Sringar.
3. Arshid Ahmad Bhat (age 34 years),
s/o Abdul Rashit Bhat, r/o Soura, Srinagar.
4. Showkat Ahmad Sofi (age 35 years),
s/o Late Ghulam Mohammad Sofi
r/o Riyazteng Khanyar, Srinagar.
5. Qaiser Hameed Najar (age 33 years),
s/o Abdul Hameed Najar
r/o basant Bagh Gowkadal, Srinagar.
6. Sheikh Showkat Ali (34 years)
s/o Abdul Rehman Shekhh
r/o Batamaloo, Srinagar.
7. Mohammad Altaf Dar (age 36 years),
S/o Ghulam Mohammad Dar
r/o Saidapora, Iddgah, Srinagar.
8. Shameem Ahmad Dar (age 32 years)
s/o Abdul Razak Dar r/o Shalimar Sringar.

9. Reyaz Ahmad Pandith (age 36 years),
s/o Gull Mohammad Pandith
r/o Zaina Kadal, Srinagar.

...Applicants

(Advocate: Mr. N.A. Malik-None)

Versus

1. State of J&K through
Commissioner Secretary to Government,
Forest Department, Civil Secretariat,
J&K Jammu/Srinagar.
2. Director, Forest Protection Force,
J&K Government, Jammu/Srinagar.
3. Joint Director, Forest Protection Force,
J&K Government, Jammu/Srinagar.
4. Joint Director, Forest Protection Force,
Kashmir, Srinagar.
5. Deputy Director, Forest Protection Force,
Gama Unit K-01 P.C. Depot, Srinagar.

...Respondents

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

ORDER
[O R A L]

Justice L. Narasimha Reddy, Chairman: -

The applicants were appointed as Watchers in the Forest Department of Jammu & Kashmir around the year 1997. They were drawing salary from the Gama Unit K-01, PC Depot, Srinagar. Consequent upon the establishment of Gama Unit K-12, Tangmarg, the applicants and 42 FPF Guards and Watchers were brought under the control of that Unit. Challenging the same the applicants filed SWP.No.792/2011. An interim order was passed on 19.04.2011 directing that the operation of the impugned order shall remain stayed till the next date before the Bench in so far as it relates to the applicants, if not already executed. The Writ Petition has since been transferred to this Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA.5179/2020.

2. There is no representation for the applicant. Heard Sh.Rajesh Thapa, learned Deputy Advocate General for the respondents.

3. A simple matter of this nature was pending before Hon'ble High Court for the past nine years, mostly because the respondents did not feel like filing a reply much less any application for vacating the interim order. It only shows the method of functioning of concerned department. We take serious exception to the indifference on the part of the concerned respondents.

4. Except that the applicants were attached to a newly constituted unit in the context of drawing salary, no right of them was modified nor their conditions of the service were altered. The applicants cannot dictate terms as to who should pay the salary.

5. We do not find any merit in this OA and accordingly dismissed. There shall be no order as to costs.

(A.K. BISHNOI)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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