

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

T.A. No.62/5962/2020

This the 2nd day of December, 2020

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



1. Ali Mohd. Wani, S/o Abdul Gaffar Wani R/o Ladhu District Pulwama (aged 62 years).
2. Ghulam Moh-ud-Din Rather S/o Ali Mohammad Rather R/o Pastuna Tral Pulwama (aged 67 yrs)
3. Mst. Jana, Wd/o Mod Sultan Bana R/o Airpora, Srinagar, (Aged 56 yrs)
4. Fatima Rasol Wd/o Ghulam Rasool Bhat R/o Sonwar, Srinagar.
5. Mohd. Shafi Makhdoom S/o Sonallah Makhdoom, R/o Srinagar (aged 71 yrs)
6. Ghulam Qadir Dar, S/o Ali Mohd Dar, R/o Panzan, Chadoora Budgam (aged 64 yrs)
7. Mehraj-ud-Din Mir S/o Mukhtar Mir, R/o Drangbai Pampora Pulwama (aged 66 yrs).
8. Ghulam Hassan Wani S/o Abdullah Wani R/o Khanmoh, Srinagar (aged 68 yrs)
9. Sara Begum, D/o Lae Ghulam Rasool Mir R/o Drangbai Pampora Pulwama (aged 57 yrs)
10. Ali Mohammad Wani S/o Mohamad Wani R/o Balhama, Srinagar (aged 77 yrs)
11. Mst Khati Wd/o Gani Dar R/o Pampora-Pulwama (aged 66 yrs)
12. Mst Kulsum Wd/o Akbar Dar R/o Balhama Srinagar (aged 81 yrs)
13. Naba Dar S/o Ama Dar R/o Pampora Pulwama (aged 67 yrs)
14. Ghulam Nabi Hajam S/o Akbar Hajam R/o Pampore Pulwama aged 71 yrs.
15. Jabbar Bhat S/o Shaban Bhat R/o Khankah Bagh Pampore Pulwama aged (79 yrs.)
16. Mst Mala Begum Wd/o Ghulam Rasool Beigh R/o Ganipora Chadoora Budgam (aged 69 yrs)
17. Ali Mohd Darzi R/o Namblabal Pampore Pulwama (aged 76 yrs).
18. Mohd Ramzan Bhat S/o Khazir Bhat R/o Frestabal Pampore Pulwama (aged 60 yrs).



19. Jalla Bhat S/o Mohammad Bhat R/o Pampore Pulwama (aged 79 yrs)
20. Ismail Bhat S/o Ali Bhat R/o Frastabal Pampore Pulwama (aged 71 yrs).
21. Mst Zooni Wd/o Late Ali Mohd Bhat R/o Pampore Pulwama (aged 73 yrs)
22. Ghulam Hassan Gojri S/o Ahmad Gojiri R/o Kadalabai, Pampore Pulwama (aged 69 yrs)
23. Abdul Razak Mir S/o Gani Mir R/o Pinglina Pulwama (aged 73 yrs)
24. Mst. Mugli Wd/o Ismail Bhat R/o Pampore Pulwama (aged 70 yrs)
25. Ghulam Nabi Bhat S/o Gulam Rasool Bhat R/o Pampore Pulwama (aged 74 yrs)
26. Ama Bhat S/o Kamal Bhat R/o Pampore, Pulwama (aged 71 yrs)
27. Razak Bhat S/o Sobhan Bhat R/o Pampore Pulwama (aged 67 yrs)
28. Rashid Bhat S/o Rahim Bhat R/o Khankah Bagh Pampore Pulwama (aged 72 yrs)
29. Afshana Rashid D/o Abdul Rashid Rather R/o Kadalabal, Pampore Pulwama (aged about 23 yrs)
30. Abdul Hamid Bhat S/o Ghulam Mohd Bhat R/o Khankah Bagh, Pampore Pulwama (aged 60 yrs)
31. Majid Dar, S/o Khaliq Dar R/o Pampore Pulwama (aged 64 yrs)
32. Mst. Azi Begum Wd/o Gula Beigh R/o Ganipora Chadoora Budgam (aged 71 yrs)
33. Mst Amina Begum W/o Musa Rather R/o Balhama Srinagar (aged 67 yrs)
34. Janak Singh RAhi S/o Santokh Singh R/o Haft Chinar Srinagar (aged 75 yrs)
35. Ali Mohammad Rather S/o Sufa Rather R/o Kadalabai Pampore-Pulwama (aged 68 yrs)
36. Mohd. Ramzan Mir S/o Khaliq Mir R/o Pinglina Pulwama (aged 71 yrs)
37. Mst. Rehti Begum Wd/o Rasool Bhat R/o Frastabal, Pampore-Pulwama (aged 76 yrs)
38. Mst Rehti Wd/o Ramzan Dar R/o Pampore Pulwama (aged 75 yrs)
39. Muhada Bhat S/o Kamal Bhat R/o Pampore Pulwama (aged 75 yrs)
40. Razak Hajam S/o Abdullah Hajam R/o Namblabal Pampore Pulwama (aged 77 yrs).

.....Applicants

(Mr. Altaf Haqani, Advocate)

Versus



1. State of Jammu & Kashmir through Chief Secretary, Civil Secretariat, Srinagar.
2. Commissioner/Secretary to Govt Industries and Commerce Deptt Civil Secretariat, Srinagar/Jammu
3. J&K Project Construction Corporation Ltd Srinagar through its Managing Director.
4. Jammu and Kashmir Industries Ltd (JKI), Srinagar through its Managing Director.

..... Respondents

(Mr. Amit Gupta, Id. AAG)

ORDER (ORAL)

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

1. The present TA has been received by way of transfer from Hon'ble High Court of J&K at Jammu. It has been submitted at the Bar that since the case pertains to Jammu & Kashmir Project Construction Corporation Ltd, the Tribunal cannot assume jurisdiction in respect of any matter pertaining to Corporation workers.
2. It has been clearly held by the Hon'ble Apex Court in case of Ameerbi (supra) that this Tribunal has no jurisdiction to hear the case pertaining to Corporation workers. I accordingly hold that this Tribunal is not vested with any jurisdiction to entertain any petition related to any service dispute of the Corporation workers.



3. 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.
4. Therefore, since this Tribunal has no jurisdiction to deal with the present case, this case be sent back to Registrar (Judicial), High Court of Jammu & Kashmir at Srinagar to place before the Hon'ble Bench for further orders.
5. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Srinagar on 27.12.2020

(Rakesh Sagar Jain)
Member (J)

Mks

