

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

T.A. No.62/7503/2020

Monday, this the 14th day of December, 2020

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

1. Mrs. Ruvida Sheikh (Aged 44 years),
W/o. Sheikh Shahid Saleem,
R/o. 57-A, Pamposh Colony,
Natipora, Srinagar;
2. Ovais-Ul-Maqbool (aged 34 years),
S/o. Mohd Maqbool,
r/o. At present Hyderpora, Srinagar.

.....Applicant

By Advocate: Mr. Altaf Haqani

Versus

1. State of Jammu and Kashmir through
Commissioner/Secretary to Government,
Housing and Urban Dev. Department, Civil
Secretariat, Srinagar;
2. J&K Lakes and Waterways Dev. Authority
Brain-Nishat, Srinagar through its Vice Chairman;
3. Financial Adviser/Chief Accounts Officer,
Lakes and Waterways Dev. Authority,
Brain Nishat, Srinagar;
4. Executive Engineer,
Lake Division-I,
LDA, Srinagar.

..... Respondents

By Advocate: Shri Rajesh Thapa, D.A.G.



ORDER (ORAL)

Hon'ble Mr. Anand Mathur, Member (A)



1. It is submitted by the learned counsel for the applicant as well as Mr.Rajesh Thapa, Learned Dy. Advocate General for respondents that this Tribunal has no jurisdiction to hear the case.

2. Contention of both the learned counsel and learned D.A.G. has force and it is to be accepted.

3. It is submitted by the Mr. Rajesh Thapa, 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 respondents 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 27.01.2021.

(Anand Mathur)
Member (A)

(Rakesh Sagar Jain)
Member (J)

ASVS.

14.12.2020