

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/43/2021

This the 14th day of January, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Abdul Rashid Bhat (Age: 71 years) S/o Ali Mohammad Bhat, R/o Moman Donjipora, Tehsil Bijbehara District Anantnag (J&K) Pin-192124.
2. Abdul Rashid War (Age: 68 years) S/o Ghulam Mohammad War, R/o Arwani, Tehsil Bijbehara District Anantnag (J&K)-192124.
3. Bashir Ahmad Qadri (Age: 64 years) S/o Siraj-ud-din, R/o Bijbehara, District Anantnag (J&K) 192124.

.....Applicants

(Advocate: Mr. Showkat Ahmad Makroo, Senior Advocate assisted by Mr. Bilal Ahmad Malla)

Versus

1. Union Territory of Jammu & Kashmir Commissioner/Secretary to Government Department, Food, Civil Supplies & Consumer Affairs J&K Civil Secretariat Jammu (J&K)-180001.
2. Director Department of Food, Civil Supplies & Consumer Affairs Kashmir, Srinagar-190001.
3. Assistant Director Department of Food, Civil Supplies & Consumer Affairs, Anantnag, Pin-192124.
4. Chief Accounts Officer, Department of Food, Civil Supplies & Consumer Affairs Kashmir, Srinagar-190001.
5. Accountant General (A&E) Jammu & Kashmir, Jammu.

.....Respondents

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

ORDER

[O R A L]

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



The applicants herein claim the benefits in terms of Government order No. 61-CAPD of 2008 dated 20.05.2008 which has been allegedly granted to the similarly situated persons. Learned counsel for the applicants has placed reliance on the judgements passed by the Hon'ble High Court in SWP No. 2432/2017 date 30.11.2017 wherein the Hon'ble High Court directed as under:-

“The petitioner claims the benefits in terms of Government order No. 61-CAPD of 2008 dated 20.05.2008 which has been granted to the similarly situated persons. Reliance is being placed on an order rendered by a coordinate bench of this Court in SWP No. 755/2016 dated 05.05.2017. It is urged by the petitioner that the instant petition be disposed of with the same terms.

Notice.

Notice waived by Mr. Asif Bhat, AAG, and Mr. Abid, learned counsel on behalf of the respondent Nos. 1 to 3 and 4 & 5 respectively.

The writ petition is disposed of, with the direction to the respondents to consider the claim of the petition and determine his eligibility in terms of judgement rendered by this Court in SWP No. 755/2016 dated 05.05.2017, in case the petitioner is similarly situated as per the petitioners in the aforesaid case.

Let an appropriate decision in this regard be taken within a period of six weeks from the date of receipt of certified copy of this order.

Disposed of as above. ”

2. Learned counsel for the applicants submits that the instant O.A. may be disposed of in the light of the aforesaid judgement of the Hon'ble High Court.



3. Accordingly, the O.A. is disposed of with direction to the respondents to consider the claim of the applicants and determine their eligibility in terms of judgement rendered by the Hon'ble High Court in SWP No. 2432/2017 dated 30.11.2017, in case, the applicants are found to be similarly situated as per the petitioners in the aforesaid case, the respondents shall take appropriate decision in this regard within a period of six weeks from the date of receipt of certified copy of this order.

4. It is made clear that we have not entered into the merits of the case.

5. There shall be no order as to costs.

(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)