

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/100/2020

This the 3rd day of February, 2021

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

Dr. Rakesh Kotwal, Aged 38 years, son of Ved Parkash Kotwal, R/o Shan Mohalla, Near Mini Bus Stand, Tehsil & District Kishtwar.

.....Applicant

(Advocate: Ms Veenu Gupta)

Versus

1. State of Jammu and Kashmir, Through Commissioner/Secretary, Health & Medical Education Department, Civil Secretariat, Srinagar and 6 Ors.

.....Respondents

(Advocate: Mr. Sudesh Magotra, Id. Deputy Advocate General)



O R D E R
[O R A L]

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



The applicant is aggrieved of order no. CMO/K/NRHM/328-28 dated 05.06.2016 issued by the respondent No. 5 whereby the services of the applicant as Medical Officer (ISM) have been terminated with immediate effect, on the ground of carelessness and negligence.

2. For Central Administrative Tribunal to have the jurisdiction of the District Health Society, Doda, the said Society has not been nominated in Schedule of Sub-Section (4) of Section 14 of the Central Administrative Tribunals Act, 1985. Accordingly, we do not have the jurisdiction to entertain/try the present petition.

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 Jammu to be placed 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 Jammu on 26.02.2021.

(ANAND MATHUR)
MEMBER (A)
SS/-

(RAKESH SAGAR JAIN)
MEMBER (J)