



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.490/2020
(S.W.P. No.2848/2002)

Tuesday, this the 8th day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Piyare Kishen Bamo (aged 50 years),
S/o. Sh. Kanth Ram Bamo,
R/o. Badh Mullaha, Baramulla Kashmir,
Presently, R/o. 858, Migrant Camp, Purkhoo, Phase-III
Dumana, Jammu.
Senior Teacher National High School, Srinagar, Kashmir;
2. Girja Wali/Ambardar (Aged 48 years)
W/o. Sh. S.K. Ambardar,
R/o. 364, Karan Nagar, Srinagar, Kashmir,
Presently R/o. 7/189, Talab Tiloo Jammu.
Mathematics teacher, Devi Ki Arya Putri Pathshalla (Girls
High School), Wazir Bagh, Srinagar, Kashmir;
3. Santosh Tichoo/Dhar (Aged 57 years)
W/o. Sh. A.K. Dhar,
R/o. 38, Ram Bagh, Srinagar, Kashmir,
Presently R/o.132, Ganesh Vihar,
Lower Muthi, Jammu,
Reader English, Islamia College for Women, Sopore, Kashmir;
- &
4. Usha Koul/Saraf (Aged 50 years)
W/o. Sh. S.C. Saraf,
R/o. 102, New Colony, Kanil Bagh, Baramulla, Kashmir
Presently, R/o. Lane No.2, House No. 16, K.B. Nagar,
Bantalab, Jammu.

...Applicants

(Nemo for applicants)

Versus

1. State of Jammu and Kashmir through Additional Chief
Secretary to Government (Finance J&K Government, Civil
Secretariat, Jammu;



2. The Additional Chief Secretary to Government, Education Department, Civil Secretariat, Jammu;

3. The Director of School Education, Jammu.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The first applicant was working as Senior Teacher in an aided school at Srinagar, Kashmir, the second applicant was working as Mathematics teacher in an aided school at Srinagar, Kashmir, the third applicant was working as Reader English at Islamia College for Women at Sopore, Kashmir and the fourth applicant was working with the same College as Reader Hindi, till 1990, and the charges were being paid by the Government. However, on account of the unprecedented disturbance, that took place at the Valley, at that time, the applicants were migrated to Jammu. Their grievance is that ever since they were migrated to Jammu, they were not being paid salary and other emoluments.

2. Placing reliance upon the order of Hon'ble High Court of Jammu & Kashmir in L.P.A. (SW) No.105-A/98 and batch decided on 31.12.1999, the applicants filed S.W.P. No.2848/2002 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to pay the salary / wages from the date of last drawn salary on migration.



The said S.W.P. has since been transferred to this Tribunal and registered as T.A. No.490/2020.

3. Today, there is no appearance on behalf of the applicants. We heard Mr. Sudesh Magotra, Deputy Advocate General, through video conferencing.

4. It is rather unfortunate that the applicants, who were working in the aided schools, had to leave the places in the year 1990 to save their lives and migrated to Jammu. The Hon'ble High Court of Jammu & Kashmir recognized the responsibility of the State and issued directions for payment of salary. The respondents did not file any counter affidavit. That only shows their indifference.

5. We, therefore, allow the T.A. and direct the respondents to pay the salary and other emoluments to the applicants for the period during which they were without employment ever since March, 1990. The exercise in this regard shall be completed within three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 8, 2020

/sunil/dsn/sd/arun

