

CENTRAL ADMINISTRATIVE TRIBUNAL JAMMU BENCH, JAMMU



Hearing through video conferencing

T.A./61/581/2020

This the 19th day of January, 2021

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

1. Noor Fatma, Age 28 years,
W/o Javid Iqbal
R/o Loran, Centre Jera,
Tehsil Mandi District Poonch.
2. Javed Iqbal, Age 36 years,
S/o Mohd. Safir,
R/o Loran, Centre Cham,
Tehsil Mandi, District Poonch.
3. Afsana Kaneez, Age 31 years,
S/o Badar Din
R/o Village Loran
Tehsil Mandi District Poonch,
Centre Kullian Loran.
4. Raiz Ahmad, Age 28 years,
S/o Mohd Rashid Malik
R/o Village Loran
Tehsil Mandi Distirct Poonch
Centre Akhoriwala.
5. Abdul Qayoon Kahn, Age 29 years,
S/o Mohd Akbar KhanR/o Village Plera
Tehsil Mandi District Poonch

Centre Kakan Wali.

6. Mumtaz Ahmad, Age 30 years,
S/o Mohd Akbar,
R/o Village Markote
Tehsil Mandi District Poonch
Centre Dhowala.

.....Applicants

(Advocate: Mr. Mumtaz Choudhary)

Versus.

1. State of Jammu & Kashmir,
Through Commissioner/Secretary to Govt.,
School Education Department
Civil Secretariat, Srinagar.
2. Project Director, Jammu
Sarva Siksha Abhian,
J&K, Jammu.
3. Chief Education Officer,
Poonch.
4. Zonal Education Officer, Mandi.

.....Respondents

(Advocate:- Mr. Amit Gupta, AAG)

ORDER

[ORAL]

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

The present OA has been filed by the applicants for quashing the
Notification No.ZEOM/19/453-464 dated 20.06.2019 whereby the

applications have been invited for engagement of Education Volunteer in Seasonal Schooling camps and also for allowing them to continue on the posts on which they have already engaged since the year 2008 to 2013-2104 respectively. They have also prayed for release of the arrears of unpaid salary for the period they have work. It is submitted by the learned counsel for the applicant as well as Mr. Amit Gupta, learned A.A.G. for respondents that the applicants were engaged as Education Volunteer in Seasonal Schooling camps and it is not a civil post. As such, this Tribunal has no jurisdiction to hear the case.

2. Contention of both the learned counsel for the applicants and learned A.A.G. has force and it is to be accepted. Post of Education Volunteer in Seasonal Schooling camps is not a civil post and it has not been brought within the jurisdiction of this Tribunal by notification to be issued by the Central Government under Section 14 (2) of the Administrative Tribunal Act, 1985.

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 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 Jammu on 17.02.2021.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Ak/-