



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/145/2020

Friday, this the 3rd day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Ali Akbar, age 48 years
S/o Shri Mohd. Anwar Khan
R/o Bhagani, Tehsil Bhalwal,
District Jammu

...Applicant

(Through Mr. Rakesh Sharma, Advocate)

Versus

1. Union Territory of Jammu and Kashmir
Through Commissioner/ Secretary to Govt.,
Ministry of Tribal Affairs,
Civil Secretariat, Jammu/Srinagar
2. Commissioner-cum- Secretary to Govt.
Education Department,
Civil Secretariat, Jammu/Srinagar
3. Director School Education, Jammu
4. Secretary Advisory Board for the Development
of Gujjar and Bakarwal, Civil Secretariat,
Jammu/ Srinagar
5. Warden Gujjar and Bakarwal Hostel,
Jammu
6. Shagufta W/o Munish Khan
R/o Village Thudi, Tehsil and District Rajouri
At present 33-Gujjar Colony Channi Himmat,
Jammu

...Respondents

(Through Shri Sudesh Magotra, DAG for respondents 1 to 5
Shri M.I. Sherkhan, Advocate for respondent 6)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Ali Akbar son of Shri Mohd. Anwar Khan, working as Assistant Warden of Gujjar and Bakarwal Boys Hostel, Jammu has filed this OA on 30.06.2020. He seeks direction to respondent no.5 to relieve respondent no.6 and permit him to join on the post of Assistant Warden Gujjar and Bakarwal Boys Hostel, Jammu in compliance of GAD order dated 10.04.2017.

2. We have heard today Shri Rakesh Sharma, learned counsel for the applicant, Shri Sudesh Magotra, DAG for respondents 1 to 5 and Shri M.I. Sherkhan, for respondent 6.

3. In the OA and during arguments of his counsel, the applicant contends that vide order dated 10.04.2017, he was transferred and posted as Assistant Warden, Gujjar and Bakarwal Boys Hostel, Jammu. However, he was not allowed to join on that post in view of an interim order issued by the High Court in favour of respondent no.6. Subsequently, in compliance of J&K High Court order dated 13.09.2019, Government of J&K, Tribal Affairs Department issued an order on 08.06.2020, rejecting the claim of respondent no.6. Even then, the respondent no.6 is not allowing the applicant to join on that post. In these circumstances, this OA has been filed.

4. The respondents counsel seeks time to file detailed reply to the OA. However, the applicant's counsel submits that the applicant would be satisfied if this OA is disposed of at this stage with direction to the respondents to take a final decision on the issue.

5. In view of the above submission, we dispose of this OA at the admission stage itself with direction to the respondents to treat a copy of this OA as a representation of the applicant and decide it by passing a well reasoned and speaking order within 30 days of receipt of a copy of this order and communicate it to the applicant. With this, OA stands disposed of.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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