



Central Administrative Tribunal

Jammu Bench, Jammu

Hearing through video conferencing

OA No. 061/730/2020

This the 24th day of September, 2020

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

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

1. Shakeel Ahmed aged 49 years, S/o Sh. Mohd. Sadiq R/o Salwah, Tehsil Mendhar, District Poonch.
2. Mushtaq Hussain aged 49 years, S/o Sh. Abdul Rashid R/o 61 Vidhata Nagar Bathindi, Jammu.
3. Mohd. Azam aged 55 years, S/o Sh. Sahib Din R/o Dandkote Darhal Tehsil Mendhar, District Rajouri.

.....Applicants

(Advocate: Mr. Anuj Dewan Raina)

Versus

1. Union Territory of J&K through Commissioner/Secretary to Govt. Department of Tribal Affairs, J&K Government, Civil Secretariat, Jammu.
2. The Secretary State Advisory for the Development of Gujjar Bakerwal, Govt. of Jammu & Kashmir Civil Secretariat, Jammu.
3. The Administrative Secretary, General Administration Department Government of Jammu & Kashmir Civil Secretariat Jammu.

4. Secretary, Department of Tribal Affairs, Government of Jammu & Kashmir, Jammu.

.....Respondents

(Advocate: Mr. Rajesh Thappa)

ORDER

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

Mr. Anuj Dewan Raina, learned counsel for the applicants and Mr. Rajesh Thappa, learned counsel for the respondents are present.

1. Learned counsel for the applicant vehemently argued that whereas Hon'ble High Court has given a clear directive to consider the case of the applicant for absorption in the new department, the administration has considered the claim but have rejected the request of the applicant.
2. Learned counsel for the respondents stated that the applicant has come on deputation from his parent department i.e. Department of Education and still holds lien in that department. After serving for more than 10 years the applicant has been repatriated to his parent department, which is perfectly as per rules.
3. We have heard learned counsels for both the parties and perused the record.

4. The fact of the matter is that the applicant holds lien in his parent department i.e. Department of Education from where he has come on deputation to the present department i.e. Department of Tribal Affairs. Now that the request of the applicant for permanent absorption has been rejected by the administration, there is nothing wrong in repatriating the applicant back to his parent department.
5. We find no infirmity in the order passed by the administration for repatriating the applicant to his parent department.
6. The O.A. is disposed of accordingly. No order as to costs.

(Mr. Anand Mathur)
Member(A)

(Rakesh Sagar Jain)
Member (J)

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