

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/956/2020

(Diary No. 4174/20)

This the 3rd day of November, 2020



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

1. Mohd. Younis age 31 years, S/o Mohd. Iqbal R/o Village Dodasan Bala, Tehsil Thanamandi District Rajouri.
2. Javed Iqbal, age 35 years, S/o Mohd. Younis R/o Village Nika Pangrain, Tehsil Manjakote District Rajouri.
3. Mohd. Sadeeq age 43 years, S/o Mohd. Hafiz R/o H. No. 27, Village Shahdra Sharief, Tehsil Thanamandi District Rajouri.
4. Shakeel Ahmed age 26 years, S/o Mohd. Bashir, R/o Village Dhoke, Tehsil Thanamandi District Rajouri.
5. Mohd. Maqbool age 45 years, S/o Mohd. Latief, R/o H. No. 27, W. No. 1 Village Khanayalkote, Tehsil Thanamandi District Rajouri.
6. Manir Hussain, age 32 years, S/o Kaka, R/o Village Mohra Ghai Doongi, Tehsil and District Rajouri.
7. Mohd. Aslam, age 43 years, S/o Noor Hussain, R/o Village Targain, Tehsil Koteranka (Budhal), District Rajouri.
8. Abdul Rashid, age 41 years, S/o Ismail, R/o Village Mohra, Tehsil Koteranka, District Rajouri.
9. Mohd. Shabir age 40 years, S/o Mir Hussain, R/o Village Pangarian, Tehsil Manjakote District Rajouri.
10. Fazal Hussain, age 38 years, S/o Hussain Mohd. R/o Village Dodasanbala, Tehsil Thanamandi District Rajouri.
11. Mohd. Arif age 28 years, S/o Sh. Alam Din, R/o Village Gundi Khawas, Tehsil Bakori, District Rajouri.
12. Sarfraz Hussain Shah age 47 years, S/o Shah Hussain Shah, R/o Village Dharsakri, Tehsil Koteranka District Rajouri.
13. Tahira Parveen age 40 years, W/o Abdul Rehman, R/o Village Naili Tehsil Thanamandi District Rajouri.



14. Mohd. Sajid age 30 years, S/o Mohd. Naseeb, R/o Village Bari Darhal, Tehsil Darhal District Rajouri.
15. Atif Mirza age 23 years, S/o Zulafqar Ali,, R/o Badhoon, Tehsil Rajouri District Rajouri.
16. Gulzar Ahmed age 40 years, S/o Mohd. Alam, R/o Village Dharsakri, Tehsil Koteranka District Rajouri.
17. Gulnaz Begum age 43 years, W/o Shabir Ahmed, R/o Badhoon, Tehsil Rajouri, District Rajouri.
18. Ranjeet Singh age 22 years, S/o Chamail Singh, R/o Jamola Khah, Tehsil Koteranka District Rajouri.
19. Mohd. Younis age 38 years, S/o Mehboob, R/o Village Androoth, Tehsil Kila Darhal District Rajouri.
20. Javaid Ahmed age 27 years, S/o Alam Din, R/o Village Symbly, Darhal Makika, Tehsil Darhal District Rajouri.
21. Kirpal Singh age 34 years, S/o Parem Singh, R/o Chings, Tehsil Rajouri, District Rajouri.
22. Parvaiz Ahmed age 32 years, S/o Abdul Aziz, R/o Village Bathian, Tehsil Thanamandi District Rajouri.
23. Muzaffar Iqbal age 37 years, S/o Mohd. Iqbal, R/o Village Bada Khana, W. No. 3 Tehsil Thanamandi District Rajouri.
24. Nazik Hussain, age 34 years, S/o Shamsheer Hussain, R/o Village Lah, Tehsil Thanamandi District Rajouri.
25. Mohd. Ahsraj, age 24 years, S/o Mohd. Azmat, R/o Village Lah, Tehsil Thanamandi District Rajouri
26. Abdul Aziz age 44 years, S/o Shah Mohd. R/o Village Panjnara, Tehsil Koteranka District Rajouri.
27. Koshar Kumar age 45 years, S/o Badrinath, R/o Kotedhara, Tehsil & District Rajouri.
28. Zahour Ud din Babar, age 47 years, S/o Mohd. Ajmal, R/o Village Saj, Tehsil Thanamandi District Rajouri.
29. Khalida Koser age 22 years, W/o Jameel Hussain, R/o Village Panjgrain, Tehsil Manjakote, District Rajouri.
30. Karamat Hussain, age 40 years, S/o Bir Mohd. R/o Village Jamola, Tehsil Koteranka District Rajouri.
31. Azam Hussain Shah, age 32 years, S/o Mohd. Shah R/o Kotedhara, Tehsil & District Rajouri.
32. Waheed Ahmed age 28 years, S/o Shabir Ahmed, R/o Saj, Tehsil Thanamandi District Rajouri.

.....Applicants

(Advocate: Mr. Vikas Magotra proxy to Shamas-Ud-Din- Shaaz)



Versus

1. Union Territory of Jammu and Kashmir, through its Commissioner Cum Secretary, Jal Shakti PHE Department, Civil Secretariat, Jammu/Srinagar.
2. Director Finance, Jal Shakti (PHE), Department, Civil Secretariat, Jammu/Srinagar.
3. Chief Engineer, Jal Shakti (PHE) Department, B.C. Road, Jammu.
4. Superintending Engineer, Jal Shakti Department, Hydraulic Circle Rajouri.
5. Executive Engineer, Jal Shakti (PHE), Division Rajouri.

.....Respondents

(Advocate: Mr. Rajesh Thapa)

ORDER

[O R A L]

Delivered by HON'BLE MR. ANAND MATHUR, MEMBER (A),

1. Applicants in the present O.A. seek direction to the respondents not to disengage the services of the applicants in the department and also to release the unpaid wages of the applicants.

2. We have heard Mr. Vikas Magotra proxy to Shamas-Ud-Din- Shaaz, learned counsel for the applicants and Mr. Rajesh Thapa, learned counsel for the respondents and perused the record.



3. The prayer in the OA is to direct the respondents not to disengage the services of the applicants in the department and also to release the unpaid wages of the applicants. We find it difficult to accede to request for disengagement of services of applicants. As a matter of fact the Hon'ble Supreme Court deprecated the practice of issuing such direction. At the same time, if there exist any policy in the Government as regards dealing with the employees of this nature, the case of the applicants also needs to be considered in accordance with rules. Beyond that, we cannot issue any direction.

4. We, therefore, dispose of the OA directing the respondents to consider the case of the applicants, in terms of the existing policy regarding continuance of the person appointed or engaged on contractual or daily wage basis. However, respondents are directed to release the unpaid wages, if due and permissible under rules, within a period of three weeks from the date of

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receipt of a certified copy of this order. However, release of salary shall be subject to fulfilling the condition mentioned in impugned order. It is made clear that we have not expressed any opinion on the merits of the case. There shall be no order as to costs.



(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

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