

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

OA No. 061/1009/2020

This the 18th day of November, 2020

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**



Nasreena Akhter age 40 years, S/o Mohammad Saif-Ullah Mir, R/o Hakura Badasgam Tehsil and District Anantnag.

.....Applicant
(Advocate: Mr. Rizwan Ul Zaman)

Versus

1. Union Territory of J&K through Commissioner/Secretary, to Govt. Education Department, Civil Secretariat, Srinagar/Jammu 190001.
2. Director School Education, Kashmir Srinagar – 190001.
3. Chief Education Officer Anantnag – 192122.
4. Principal Government Higher Secondary Institution Utersoo Anantnag – 192122.
5. Tahira Rehman, D/o Abdul Rehman Wani, R/o Shangus District Anantnag.

.....Respondents
(Advocate: Mr. Sudesh Magotra, DAG)

O R D E R [O R A L]

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

Applicant 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 salary of the applicant.



2. The prayer in the OA is to direct the respondents not to disengage the services of the applicant in the department and also to release the unpaid salary of the applicant. We find it difficult to accede to request for disengagement of services of applicant. 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 applicant 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 applicant, 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 salary, if due and permissible under rules, within a period of three weeks from the date of 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.

(MOHD. JAMSHED)
Member (A)
Piyush/-

(RAKESH SAGAR JAIN)
MEMBER (J)