

CENTRAL ADMINISTRATIVE TRIBUNAL JAMMU BENCH, JAMMU

Hearing through video conferencing

T.A./61/04395/2020

This the 18th day of February, 2021

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



Ajaz Hussain Qureshi, age 51 years, S/o Peer Abdul Aziz Qureshi, R/o Gandherbal at present attached with Civil Secretariat, Government Flats at T-116, Tallab Tillo, Poonch House, Jammu.

.....Applicant
(Advocate: Mr Arun Kumar)

Versus

1. State of Jammu and Kashmir, through its Principal Secretary, G.A.D. Deptt., Government of J&K, Civil Secretariat, Jammu/Srinagar.
2. Commissioner Secretary, General Administration Department, J&K Government, Civil Secretariat, Jammu/Srinagar.
3. Commissioner/Secretary, Department of Law, Justice and Parliamentary Affairs, Civil Secretariat, Jammu/Srinagar.
4. Commissioner Secretary, Finance Department, J&K Government, Civil Secretariat, Jammu/Srinagar.
5. Varinder Kumar, presently Private Secretary, O/o Director Handloom, J&K Jammu.
6. Farooq Ahmed, A/P Private Secretary to Member, J&K Public Service Commission.
7. Shakeel Ahmed, A/P Private Secretary with Chairman Board of Professional Entrance Examination.
8. Mushtaq Ahmed Wani, A/P Private Secretary with Secretary to Government, Horticulture Department.
9. Rakesh Kumar Sharma, Private Secretary with the Deputy Chief Minister.
10. Mirza Shahid Ali Beig, A/P Private Secretary to Commissioner/Secretary to Government, Forest, Environment and Ecology Department.

11. Triloki Nath Koul, A/P Private Secretary with Secretary to Government, Culture Department.
11. Shakeel Ahmed, A/P services placed at the disposal of inquiry.
12. Vijay Kumar Koul, Private Secretary in the personal Section of Minister for Consumer Affairs and Public Distribution Department.
13. Sham Lal Abrol, A/P Private Secretary to Commissioner/Secretary to Government, Finance Department.
14. Aijaz Ahmed Shigon, Private Secretary in the personal Section of Secretary to Government Health and Medical Education Department.
15. Kanwal Krishan Ganjoo, Private Secretary to Mr Suresh Kumar Sharma, The Member, J&K Public Service Commission.
16. Mohd Altaf Zullah, A/P Private Secretary with Principal Government Medical College, Srinagar.
17. Tarun Sharma, A/P Private Secretary to Chief Secretary.
18. Harvinder Singh, A/P Private Secretary with the Principal Government Dental College, Jammu.
19. Ms Yasmeen Jan, A/P Private Secretary in the personal Section of Ms Gou-Sul-Nisa, Vigilance Commission in the State Vigilance Commission.
20. Fayaz Ahmed Bhat, A/P Administrative Officer in the J&K Service Selection Board, Division Office, Srinagar.
21. Ms Nusrat Shaheen, A/P Private Secretary with Secretary in the Ladkah Affairs Department.
22. Sofi Hanief Ahmed, A/P Private Secretary with the Development Commissioner.
23. Ghulam Rasool Mir, A/P Private Secretary to Commissioner/Secretary to Government, Tribal Affairs Department.
24. Ghulam Mohammad Khan.
25. A/P Private Secretary with Secretary to Government, Technical Education, Youth Services and Sports.
26. Ms Babita Kumari Pandita, A/P Private Secretary in the office of Commissioner of Enquiries, J&K.
27. Rachpal Singh, A/P Private Secretary in the J&K Public Service Commission.
28. Mohd. Yasin Shah, A/P Private Secretary with Secretary to Government, Consumer Affairs and Public Distribution Department.
29. Mohd Rafiq Zullah, A/P Private Secretary to the administrative Secretary, Tourism Department.

30. Sajid Rashid Bhat, A/P Private Secretary with Commissioner/Secretary to Government, Housing & Urban Development Department.
31. Mohammad Sameed Wani (RBA), Private Secretary to Secretary to the Government, General Administration Department.
32. Ms Arshada Akhter, A/P Private Secretary to Secretary to the Government, ARI, Training and Stationary and Office supplies Department, General Administration Department.
33. Farooq Ahmed Bandey, A/P Private Secretary to Secretary to the Government, Animal and Sheep Husbandry Department.
34. Syed Shamim Rizvi, A/P Private Secretary to Secretary to the Government, Information and Technical Education Department.
35. Javaid Ahmed Mir, A/P Private Secretary to Commissioner/Secretary to the Government, Revenue Department.
36. Bashir Ahmed Reshi, Private Secretary in the personal section of the principal secretary to Government, Home Department.

.....Respondents

(Advocate:- Mr. Amit Gupta, A.A.G.)

ORDER
[ORAL]

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

Learned counsel for the applicant submits that the applicant has filed present OA seeking quashment of Government order dated 16.09.2013 and further sought direction on the respondents to include/reckon the service rendered by the applicant as Urdu Stenographer as part of the total service and give retrospective seniority to the applicant as Stenographer in the J&K Secretariat Subordinate Service w.e.f. 1989, i.e. 11.01.1989 and consequential benefits thereof.

2. During course of arguments, learned counsel for the applicant submits that the applicant would be satisfied if a direction is given to the respondent No. 2 to consider and decide the case of the applicant in light of judgment of

Hon'ble High Court and approval of Law Department etc. attached with the present T.A.

3. In view of the submissions made by learned counsel for the applicant seeking limited direction, the T.A. is disposed of with a direction to the respondents to consider and decide the case of the applicant by passing a reasoned and speaking order in accordance with the relevant rules and intimate the same to the applicant, within a period of two months from the date of receipt of a certified copy of this order. While doing so, respondents shall consider the contents of the OA alongwith annexure as representation of the applicant. By way of speaking order, respondents shall consider the judgment of Division Bench of Hon'ble High Court dated 11.09.2012 (Annex-J), concurrence accorded by Law Department dated 24.09.2015 (Annex.-O) and letter dated 04.08.2015 (Annex. -P).

4. Thereafter, if any grievance remains to the applicant, he may approach appropriate forum, if so advised. Further, it is made clear that we have not expressed any opinion on merits of the case while disposing of the present OA.

5. No order as to cost.

(ANAND MATHUR)
MEMBER (A)

ss/-

(RAKESH SAGAR JAIN)
MEMBER (J)