

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

OA No. 061/1017/2020

This the 18th day of November, 2020

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

1. Tahir Ahmad Pandith, age 36 years, s/o Sh. Farooq Ahmad Pandith, R/o Village Habak, Naseembagh, Srinagar.
2. Hafiza Bano, age 46 years, W/o Mohd. Sultan Sofi, R/o Bamloora Ganderbal.
3. Zahoor Ahmad Sheikh, Age 33 years, S/o Gh. Mohi-ud-Din Sheikh, R/o Gushi Kupwara.
4. Javid Ahmed Tantray, age 33 years, S/o Gh. Mohi-ud-Din Sheikh, R/o Village Lalbook Karlund, Kupwara.
5. Zahoor Ahmad Bhat, age 34 years, S/o Wali Mohammad Bhat, R/o Mulabangil, Gulmarg, Baramulla.
6. Hanifa, age 43 years, W/o Abdul Aahad, R/o Tulsi Bagh, Srinagar.
7. Mohammad Yousuf Mir, Age 39 years, S/o Amir Mir, R/o Urichersoo, Pulwama.

.....Applicants

(Advocate: Mr. Sudarshan Sharma)

Versus

1. Union Territory of J&K through Secretary, Youth & Service & Sports Department, Civil Sectt., Jammu / Srinagar.
2. Director Youth Services & Sports, J&K, Jammu/Srinagar.
3. Warden, Youth Hostel, Nagrota, Jammu.

4. District Youth Services & Sports Officer, Jammu. Respondents
(Advocate: Mr. Amit Guptam, AAG)



O R D E R [O R A L]

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

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 salary of the applicants.

2. 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 salary 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 applicant also needs to be considered in accordance with rules. Beyond that, we cannot issue any direction.

3. 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 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)