

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.6413/2020
S.W.P. No.679/2005

Tuesday, this the 9th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Amrik Singh, age 40 years,
S/o Sardar Lehna Singh,
R/o Village Dewangarh, Tehsil R. S. Pura,
District Jammu.

..Applicant
(Ms. Saba Atik for Mr. Abhinav Sharma, Advocate)

VERSUS

1. State of Jammu and Kashmir,
Through Commissioner/Secretary,
Public Works Department,
J&K Govt. Civil Secretariat, Srinagar.
2. Chief Engineer,
Irrigation and Flood Control Department, Jammu.
3. Superintending Engineer,
Hydraulic Circle, Jammu.
4. Executive Engineer,
Tube-well Irrigation Division, Jammu.

..Respondents
(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:



The applicant was engaged on daily wage basis in the office of the Executive Engineer, Tube-Well Irrigation Division, Jammu between February, 1973 and March, 1978. However, he did not work thereafter. 25 years later, he came forward with an application in the year 2003, with a request to re-engage him. After calling for the remarks from the concerned authorities and verification of the record, the Executive Engineer passed an order dated 15.12.2004, stating that the applicant cannot be permitted to join duty after a gap of 25 years. The said order is challenged in SWP No. 679/2005.

2. The applicant stated that the absence for such a long period was on account of circumstances beyond his control and that the respondents ought to have permitted him to join the duties.

3. Respondents filed a detailed counter affidavit in the SWP.

4. The SWP has since been transferred to this Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 6413/2020.



5. Today, we heard Ms. Saba Atik for Mr. Abhinav Sharma, learned counsel for the applicant and Mr. Sudesh Magotra, Deputy Advocate General for respondents.

6. Even where a regular and permanent employee of the Government remains absent for a period exceeding five years, albeit with sanctioned leave, he ceases to be in employment of the Government by operation of the relevant service rules. Here is a case where a daily wage employee, who just worked for five years, remained absent for quarter of a century and then wanted to resume duties. When a regular employee cannot be permitted to join the duty after five years of absence, the question of permitting the applicant to join duty after a gap of 25 years does not arise. The impugned order is self explanatory.

7. We do not find any infirmity or illegality in the impugned order. The TA is, accordingly, dismissed. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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