

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/7501/2020

This the 01st day of April, 2021

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



Dr. Bilal Ahmad Wani, aged: 40 yeas, S/o Sh. Abdul Majid Wani, R/o Ward No. 6, Nai Basti, Reasi.

.....Applicant

(Advocate:-Mr. Aniruddha Sharma for Mr. Rahul Pant, Sr. Advocate)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Government Health Department, Jammu and Kashmir Government Civil Secretariat, Jammu and 4 ors.

.....Respondents

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

ORDER

ORAL

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The present TA has been received by way of transfer from Hon'ble High Court of J&K at Jammu. It has been submitted by the learned A.A.G. that since the case pertains to Medical Officers working under the National Health Mission (N.H.M.), this Tribunal has no jurisdiction to entertain the present matter.

2. Contention of learned A.A.G. has force and has to be accepted. N.H.M. has not been brought within the jurisdiction of this Tribunal by notification to be issued by the Central Government under Section 14 (2) of the Administrative Tribunal Act, 1985 and the Tribunal cannot assume jurisdiction in respect of any service matter pertaining to the

N.H.M. under the Act. We accordingly hold that this Tribunal is not vested with any jurisdiction to entertain any petition related to any service dispute in the N.H.M.



3. In similar circumstances, the Bench of Armed Forces Tribunal, Jammu comprising of Hon'ble Mr. Justice Mohammad Tahir, Member (J) and Hon'ble Vice Admiral A.G.Thapliyal in TA No. 267 of 2017 (SWP No. 1188 of 2014) titled Bahadur Singh v/s Union of India vide order dated 25.03.2019 held that since the Tribunal does not have the jurisdiction to deal with the matter, the case be sent back to the Registrar (Judicial), High Court of Jammu & Kashmir to be listed before the appropriate Bench.

4. Therefore, since this Tribunal has no jurisdiction to deal with the present case, this case be sent back to Registrar (Judicial), High Court of Jammu & Kashmir at Jammu to be placed before the Hon'ble Bench for further orders.

5. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu on 30.04.2021.

(ANAND MATHUR)
MEMBER (A)
Arun

(RAKESH SAGAR JAIN)
MEMBER (J)