



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.9407/2020
(S.W.P. No.337/2009)

Wednesday, this the 19th day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

Mst. Shamina Banno, age 27 years
d/o Ghulam Haider
r/o Village Gundna, Tehsil & District Doda

..Applicant

(Mr. Ajay K. Gandotra, Advocate)

VERSUS

1. State of J & K through Principal Secretary to Govt.,
General Administration Department,
Civil Secretariat, Jammu
2. Deputy Commissioner (Doda)
3. Assistant Commissioner (Revenue), Doda

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General and Mr. Raghu Mehta, Senior CGSC)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant states that her sister, by name Shahida Banoo died in cross firing between the militants and Security Forces, at Morcha Dhar, Gundna on 30.07.1996 in Doda District. Stating that she was dependent upon her sister, the applicant made a request to the respondents to extend, the benefit in terms



of SRO No.43/1994 dated 18.12.2003. It is stated that her application was processed and a certificate was issued on 18.07.2003 followed by sanction by the Government on 14.08.2007 for her appointment. Complaining that the respondents did not take further steps thereafter, the applicant, the applicant filed SWP No.337/2009 before the Hon'ble High Court of Jammu & Kashmir seeking a direction to the respondents to appoint her as Class IV employee in District Doda, in terms of the order dated 14.08.2007.

2. The applicant contends that once the Government, being the highest authority accorded the sanction for appointment in terms of SRO, there was absolutely no basis for the respondents in not taking further steps.

3. The record discloses that the respondents did not file any counter affidavit.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.9407/2020.

5. Today, We heard Mr. Ajay K. Gandotra, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General&Mr. Raghu Mehta, Senior Central Government Standing Counsel.



6. It is rather unfortunate that the claim of the applicant for issuance of an order of appointment is pending adjudication for more than a decade. The record discloses that not only the applicant was issued a certificate about dependency on her sister, who died in the cross firing, but also the sanction was accorded by the Government for her appointment. The next step was just to issue an order of appointment in favour of the applicant. If there exists any impediment in taking the matter further, it was necessary for the respondents to pass specific orders. There cannot be any justification in keeping the matter pending for such a long time.

7. We, therefore, dispose of the T.A., directing the respondents to issue an order of appointment in terms of the order dated 14.08.2007 passed by the Government, or to indicate the reasons on account of which the applicant cannot be given appointment. Steps in this behalf be taken within two months from the date of receipt of a copy of this order. If it emerges that the orders of the Government are not implemented, the responsibility shall lie upon the concerned officer. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 19, 2021
/sunil/jyoti/sd/