

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 3301/2020
(S.W.P. No.2212/2018)

Monday, this the 12th day of April, 2021

(Through Video Conferencing)

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

1. Swami Raj, Age 60 years,
S/o Late Bhag Chand,
R/o Kulhand, Tehisl Bharat Bagla, District Doda.
2. Koshal Kumar age 27 years,
S/o Shri Swami Raj,
Ro Kulhand, Tehisl Bharat Bagla, District Doda.

..Applicants

(Mr. B. R. Manhas, Advocate)

VERSUS

1. State of J&K
Through Principal Secretary to Government,
PHE/I&FC Department, Civil Secretariat,
Srinagar/Jammu.
2. Chief Engineer, PHE Department, Jammu.
3. Superintending Engineer, Hydraulic Circle, Doda.
4. Executive Engineer, PHE, Division Doda.

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The family of the applicant used to run a Water Mill (Gharat) to grind the grains by converting the hydraulic power of flowing stream, to mechanical power. He contends that the



respondents laid a 40 MM GI pipeline from the upstream of the water mill and that resulted in the slowing down in the flow of water and thereby, the mill became defunct.



2. Alleging that the benefit under scheme providing for adequate compensation as well as the appointment to a person from the affected family, was not extended to him, the applicant made a representation. Stating that no action has been taken thereon, the applicant filed SWP No. 2218/2018 before the Hon'ble High Court of Jammu & Kashmir with a prayer to engage petitioner No. 2 in the PHE Department and to direct the respondents to pay a compensation of Rs. 5,25,600/-.

3. The applicants contend that on account of the steps taken by the Government, their livelihood has been affected and that they are entitled to be extended the benefit.

4. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that if the water mill became defunct, the Government is not responsible for it. They flatly denied any benefit being given to the applicants.

5. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 3301/2020.

6. Today, we heard Mr. B. R. Manhas, learned counsel for applicants and Mr. Amit Gupta, learned Additional Advocate General.



7. The relief claimed in the T.A. is twofold, namely for providing employment to applicant No. 2 and for payment of compensation. Though reference is made to the scheme, it is brought to our notice that the same is no longer in force. The applicants are seeking the benefit under the scheme, which is not in force. The Tribunal cannot grant a relief in the absence of any specific scheme in respect of public service. Secondly, the plea of compensation is outside the scope of the Tribunal. We are of the view that the matter needs to be dealt with by the Hon'ble High Court.

8. We, therefore, direct the Registry to return the TA/SWP to the Hon'ble High Court of Jammu & Kashmir.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/ankit/dsn