



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5272/2021  
(SWP No.533/2009)

Tuesday, this the 29<sup>th</sup> day of June, 2021

Through video conferencing

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

Chanchal Kumari  
d/o Sh. Khajur Singh, aged 54 years  
r/o Satriyan  
Tehsil R S Pura,  
District Jammu

....Applicant  
(Mr. M.I. Sher Khan, Advocate)

Vs.

1. State of Jammu & Kashmir through  
Commissioner / Secretary to Government,  
Health Department, Civil Secretariat,  
Jammu / Srinagar
2. Principal, Govt. Medical College,  
Jammu
3. Medical Superintendent, Govt. Medical College,  
Jammu

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

The applicant was working as Staff Nurse in the Health Department of Jammu & Kashmir. She remained out of duty from 23.12.1985 onwards. She reported to duty in the year 1993. When the respondents did not permit her to join, she approached the Hon'ble High Court of Jammu & Kashmir. On the basis of the directions issued by the Hon'ble High Court, a detailed order was passed on 02.06.2004 terminating the service of the applicant. That was challenged in another SWP and it was set aside on the ground that the order was not preceded by inquiry. Thereafter, the respondents conducted an inquiry and passed an order dated 31.03.2009, reiterating the termination ordered on 02.06.2004. Challenging the said order, the applicant filed SWP No.533/2009 before the Hon'ble High Court.

2. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5272/2021.

3. Today, we heard Mr. M.I. Sher Khan, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.



4. This is the third round of litigation by the applicant, in connection with the re-joining or the termination, as the case may be. It is not in dispute that she remained absent for a total of eight years. Except stating that she remained absent with a view to join her husband, the applicant did not furnish any other reason. The respondents were not satisfied with that and passed an order dated 02.06.2004. Maybe on account of the improper guidance, the respondents terminated the service of the applicant without conducting any inquiry. The order of termination was set aside by the Hon'ble High Court and it was left open to the respondents to conduct inquiry. Thereafter, maybe in an informal manner, the inquiry was conducted, duly providing an opportunity of being heard to the applicant. It was found that she failed to furnish any valid reasons for remaining absent for eight years. The record discloses that during that period of absence, repeated notices were served upon the applicant, but that did not evoke any response.

5. The appointment in the Government cannot be treated in such a casual manner, nor can one take the things for granted. When the applicant did not attend duties at all for eight years, the respondents cannot continue her on their rolls.

6. We do not find any merit in the T.A. It is accordingly dismissed. We, however, direct that in case any amounts due to the applicant were not paid as yet, they shall be released within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.



**( Mohd. Jamshed ) ( Justice L. Narasimha Reddy )**  
**Member (A) Chairman**

**June 29, 2021**  
/sunil/vb/sd/dsn