

**Central Administrative Tribunal
Jammu Bench, Jammu**



TA No.5314/2021
(SWP No. 1661/2009)

Monday, this the 10th day of May, 2021

(Through Video Conferencing)

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

Smt. Swarn Kour, W/o Gopal Singh
Age 42 years
R/o Mohalla Khorinar
Tehsil Poonch, District Poonch.

...Applicant

(*Nemo* for applicant)

VERSUS

1. State of Jammu and Kashmir
Through Commissioner/Secretary to Government
Education Department
Civil Secretariat, Srinagar.
2. Director School Education
Jammu.
3. Chief Education Officer
Poonch.
4. Zonal Education Officer
Poonch.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Junior Assistant in the State of Jammu & Kashmir. Her services were terminated in the year 1992. She filed writ petition No.1209/1992 before the Hon'ble High Court of Jammu & Kashmir, challenging the order of termination. That was disposed of with a direction to the respondents to consider the case of the applicant for reinstatement and in compliance with the directions issued therein, she was reinstated, through an order dated 27.02.2003. The applicant filed SWP No. 1661/2009 before the Hon'ble High Court, claiming that the services rendered by her subsequent to the year 1992 were required to be taken into account. It is stated that the other employees, who were terminated in the year 1992, were extended such benefits, whereas she was denied. She prayed for a writ of *mandamus* directing the respondents to treat her service with effect from 1992 onwards for the purpose of seniority and notional promotion.

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



8. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as T.A. No. 5314/2021.

4. Today, there is no representation for the applicant. Since it is one of the oldest matters, we perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

5. Even according to the applicant, her reinstatement was in compliance with the order passed by the Hon'ble High Court. Unless the Hon'ble High Court directed the continuity of service from 1992, it cannot be granted. If she was aggrieved, the relief in that behalf could have been granted in that SWP. The plea is deemed to have been rejected by the operation of the principle of constructive *res judicata*.

6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 10, 2021
/sunil/jyoti/dsn/