



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5353/2021  
(S.W.P. No.2234/2010)

Friday, this the 21<sup>st</sup> day of May, 2021

(Through Video Conferencing)

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

Veerjee Bhat, Aged 43 years,  
S/o Late Sh. Brij Lal Bhat,  
R/o Hawal Pulwama Kashmir,  
At present H. No. 29, Lane No. 1, Adarsh Nagar, Barnai Road,  
Bantalab Jammu.

... Applicant  
(Mr. Abhinav Jamwal, Advocate *vice* Mr. P N Goja, Advocate)

### Versus

1. State of Jammu and Kashmir through Chief Secretary, Jammu and Kashmir, Govt. Jammu.
2. Principal Secretary to Government, Finance Department, Civil Secretariat, Jammu.
3. State of Jammu and Kashmir through Commissioner/Secretary, to Government Health and Family Welfare Department, Civil Secretariat, Jammu/Srinagar.
4. Director Health Service, Kashmir.
5. Director Health Service, Jammu.

... Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)



## **O R D E R (ORAL)**

### **Mr. Justice L. Narasimha Reddy:**

The applicant was working as Pharmacist in the Department of Health, Jammu & Kashmir. He remained absent for certain period on account of the militancy problem. The respondents passed an order dated 29.05.2008, directing that the period between 12.08.1999 and 10.01.2008 shall be treated as *dies non*. Feeling aggrieved by that, he filed SWP No.2234/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to quash the said order and direct the respondents to regularize his services for that period; and to extend him the other benefits.

2. The applicant states that he was posted in Pulwama District and at that relevant point of time, he had to leave that place due to militant violence.

3. 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.5353/2021.

4. Today, we heard Mr. Abhinav Jamwal, learned counsel *vice* Mr. P N Goja, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

5. The applicant states that he had to leave the place of his working on account of militant violence and on being satisfied about the reasons for his absence, he was permitted to join the duty thereafter. According to him, there was no justification with the respondents in treating such period as *dies non*.

6. We would have certainly addressed the issue but for the fact that the applicant did not make any representation in this behalf. In case any representation is made, the respondents would be in a position to examine the issue with reference to the relevant record and facts. Even now, the grievance of the applicant can be considered.

7. We, therefore, dispose of the T.A., leaving it open to the applicant to make a representation to the respondents, within four weeks from the date of receipt of a copy of this order. The respondents, in turn, shall pass orders thereon, within six weeks thereafter. In case it is found that there is justification for the applicant to remain absent for the period, referred to above, or



Item No.9

part thereof, the same shall be regularized and the attendant benefits shall be extended to him. There shall be no order as to costs.

**( Tarun Shridhar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**May 21, 2021**  
/sunil/lg/ankit/sd/