



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.532/2021
(SWP No.359/2016)

Thursday, this the 25th day of March, 2021

(Through Video Conferencing)

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

Altaf Hussain Alaie, 45 years
S/o Mohammad Sultan Alaie,
R/o Village Chakloo Tehsil and
District Baramulla Kashmir.

..Applicant
(Mr. Gulzar Ahmad Bhat Sopori, Advocate)

Versus

1. State of J&K through Commr/Secretary to Govt. Public Health Engineering (PHE) Department Civil Sectt. Jammu/Srinagar.
2. Chief Engineer Public Health Engineering (PHE) Range Kashmir.
3. Superintending Engineer Public Health Engineering Department Baramulla.
4. Executive Engineer PHE Division Baramulla.
5. Executive Engineer PHE Division Tangmarg.

..Respondents
(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicant states that he initially joined the Public Health Engineering (PHE) Department as daily wager and through order dated 30.10.1996, he was taken on regular establishment. His grievance is that though he was taken on regular establishment in a pay scale and was posted at various places, the respondents are not paying his salary, nor was he permitted to join at the place to which he was transferred. He submitted an application under Right to Information Act, 2005 on 08.01.2016. When there was no reply from the respondents, he filed SWP No. 359/2016 with a prayer to direct the respondents to release the unpaid salary from the year 2009 onwards and to permit him to work in the establishment.

2. 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. 532/2021.

3. We heard Shri Gulzar Ahmad Bhat Sopori, learned counsel for the applicant and Mr. Sudesh Magotra, Deputy Advocate General.

4. This is a peculiar case in which the applicant, on the one hand is said to have been taken on regular establishment in the year 1996 and on the other, he is said to have been working

continuously for years together, without being paid the salary. In case, the salary was not paid even after extracting work, the applicant ought to have approached the Court immediately.



5. Be that as it may, the respondents shall verify the service record of the applicant and in case it is found that he worked at any particular place for any length of time, it shall be verified whether he was paid salary for the period till 2009. It is also directed that if the applicant is not permitted to work at any place, the necessary orders in this behalf shall be passed enabling him to work at a particular station. If on the other hand the applicant has suffered any disqualification to work for payment of the salary, an order in this behalf shall be passed, within a period of 2 months from the date of receipt of copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 25, 2021
/vv/sunil/ ankit/vb/