

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.4464/2020  
(S.W.P.No.1720/2012)

Tuesday, this the 11<sup>th</sup> day of May, 2021

(Through Video Conferencing)

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

Dr. Irfan Yousuf Wani,  
Aged about 33 years,  
S/o Dr. G.A.Wani,  
R/o Kanitar Sadarbal, Srinagar.

..Applicant

(Ms. Jasiya Ali for Mr. Faisal Qadri, Advocate)

VERSUS

1. State of Jammu and Kashmir through  
Commissioner/Secretary to Govt.  
Health & Medical Education Department,  
Civil Secretariat, Srinagar.
2. Commissioner/Secretary to Govt.  
Health & Medical Education Department,  
Civil Secretariat, Srinagar.
3. Director,  
S.K. Institute of Medical Sciences,  
Soura, Srinagar.
4. Principal,  
SKIMS Medical College and Hospital,  
Bemina.
5. Director,  
Health Services Kashmir,  
Srinagar.
6. Consultant (Academics),  
SK Institute of Medical Sciences,  
Soura, Srinagar.
7. Head of the Department Neurology,  
SK Institute of Medical Sciences,  
Soura, Srinagar.

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

## ORDER (ORAL)



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

The applicant claims that he was selected and appointed as Medical Officer in the Jammu & Kashmir Government. He intended to join the Super Speciality Course in DM Neurology from Sher-i-Kashmir Institute of Medical Sciences, the 3<sup>rd</sup> respondent herein. He was not permitted to join on the ground that he was not relieved by the concerned Department and the joining memo issued to him was cancelled vide order dated 01.08.2012. Challenging the same, the applicant filed SWP No.1720/2012 before the Hon'ble High Court of Jammu & Kashmir. An interim order was passed by the Hon'ble High Court, permitting the applicant to join the Course.

2. The respondents filed a detailed counter affidavit, stating that the applicant was under obligation to obtain the 'No Objection Certificate'. It is stated that the applicant was not appointed and thereby he cannot be treated as eligible employee. They prayed for dismissal of the SWP.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA No.4464/2020.

4. Today, we heard Ms. Jasiya Ali, learned proxy counsel for Mr. Faisal Qadri, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.



5. The limited relief claimed by the applicant in his SWP/TA is about his joining the DM Neurology Course. The duration of the Course itself is about three years and that period expired in the year 2015. It is not known as to whether the applicant joined the Course or not on the strength of the interim order. Even if he joined the Course, the duration has been completed and if he did not join, no relief cannot be granted. Either way, the T.A. has become infructuous. It is accordingly dismissed.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

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

**May 11, 2021**  
/sunil/rk/sd/