

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.4930/2020
(S.W.P. No.1338/2012)

Tuesday, this the 18th day of May, 2021

(Through Video Conferencing)

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

Ghulam Muhammad Mir, aged about 50 years
s/o Mohammad Akbar Mir
r/o Hathran-Soibugh, District Budgam

..Applicant

(Mr. A Hanan Kalwal, Advocate)

VERSUS

1. State of J & K through Commissioner-Secretary
to Govt. Education Department
Civil Secretariat, Jammu/Srinagar
2. Director, School Education
Kashmir, Srinagar
3. Chief Education Officer, Budgam
4. Zonal Education Officer, Soibugh
5. Muhammad Rajab Dar s/o Mohammad Subhan Dar
r/o Hathran-Soibugh, District Budgam

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant states that his family has donated 15 marlas of land of his village Soibugh, Budgam in the year 2007 for construction of the school building in Harthran. Placing reliance





upon the circular dated 25.07.1991, the applicant filed SWP No.1338/2012 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to appoint him on regular basis or in the alternative, to pay compensation as per the prevalent market rate. The applicant contends that the said circular provides for such a course and there was no basis in not extending such benefit to him.

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

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.4930/2020.

4. Today, we heard Mr. A Hanan Kalwal, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

5. The applicant seeks the benefit of appointment in public service as a compensation for the land said to have been donated by him. First of all, there is any amount of doubt as to the nature of the donation said to have been made by the applicant. Be that as it may, vide circular dated 25.07.1991, has withdrawn the scheme. Which provided that the owner of the land may be

extended the benefit of employment, in case the land of an individual is taken over for the purpose of establishing a public or private project. Therefore, the question of the direction being given to the respondents to appoint the applicant as an owner of the land, said to have been donated by him, does not arise.



6. Across the Bar, it is stated that the applicant is working as part time Safaiwala/Chowkidar in the school. If that is so, the feasibility of extending him the benefit of regularization, if there exists any provision, for that, shall be considered. The orders in this behalf shall be passed by the respondents within two months from the date of receipt of a copy of this order.

7. The T.A. stands disposed of. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 18, 2021
/sunil/rk/sd/