



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 5290/2020
(SWP No.1224/2017)

Monday, this the 1st day of March, 2021

(Through Video Conferencing)

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

Mohammad Shaban Allai (aged 57 yrs),
S/o Kh Abdul Gaffar Allai,
R/o Badshah Coloney, Sanat Nagar,
By-pass, Srinagar.

(Mr. Altaf Haqani, Senior Advocate)

... Applicant

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Government, Animal/Sheep Husbandry and Fisheries Department Civil Sectt., Srinagar.
2. Director Fisheries, J&K Government, Srinagar.
3. Commissioner/Secretary to Govt., Public Works (R&B) Department, Civil Sectt., Srinagar/Jammu.
4. Shri A.K.Gudoo, Incharge Executive Engineer, C/o Director Fisheries, J&K Govt., Srinagar.

... Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working in the Fisheries Gazetted Service. One Mr. A.K. Gudoo, the 4th respondent herein, who was



from Public Works (R&B) Department to Animal/Sheep Husbandry Department, was posted as In-charge Senior Aquaculture Engineer in the Fisheries Department, Jammu & Kashmir, through order dated 30.06.2017, in place of the applicant. He filed SWP No. 1224/017 before the Hon'ble High Court of Jammu & Kashmir, challenging the said order. According to him, the post of Senior Aquaculture Engineer in the Director, Fisheries Department cannot be held by an employee outside the Fisheries Department. Various other grounds were also raised. The Hon'ble High Court passed an interim order dated 03.07.2017, staying the operation of the order dated 30.06.2017.

2. The SWP has since been transferred to this Tribunal in view of re-organization of the State of Jammu and renumbered as T.A. No.5290/2020.

3. Today, we heard Mr. Altaf Haqani, learned senior counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.

4. The objection of the applicant for the posting of 4th respondent in the Fisheries Department was basically on the ground that it would mar his chances in the career. Whatever be the circumstances under which the SWP came to be filed, the fact remains that the applicant has since retired from service and nothing remains to be decided at this stage.

5. The T.A. is accordingly dismissed as infructuous. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 1, 2021
/dkm/sd/sunil/jyoti/

