

CENTRAL ADMINISTRATIVE TRIBUNAL JAMMU BENCH, JAMMU

Hearing through video conferencing

O.A./62/1176/2021

This the 10th day of August, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)



1. Arif Ahmad Mantoo, Age 38 years, S/o Ghulam Mohammad Mantoo, R/o Jablipora, Tehsil Bajbehara, District – Anantnag.
2. Mushtaq Ahmad Sheikh, age 37 years, S/o Abdul Khaliq Sheikh, R/o Nowdal Tehsil Tral District Pulwama.
3. Abdul Rashid Bhat, age 36 years, R/o Sagam Kukernag, District Anantnag.
4. Tariq Ahmad Hajam, Age 40 years, S/o Ghulam Rasool Hajam, R/o Nusoo Badrigund Qazigund, District Anantnag.
5. Mohammad Hussain Gatoo age 41 years, S/o Ghulam Mohammad Gatoo, R/o Bejbehara, District Anantnag.
6. Mohammad Altaf Dar, age 39 years, S/o Abdul Gani Dar, R/o Zirpora, Tehsil Bejbehara, District Anantnag.
7. Naseer Ahmad Wani, age 40 years, S/o Ghulam Mohammad Wani, R/o Beighpora Tehsil Awantipora, District Pulwama.
8. Bashir Ahmad Naikoo age 42 years, S/o Ghulam Mohammad Naikoo, R/o Zirpora, Tehsil Bejbehara, District Anantnag.
9. Mohammad Saleem Wani, Age 41 years, S/o Ghulam Nabi Wani, R/o Gadiseer Tehsil Bejbehara, District Anantnag.
10. Shakeel Ahmad Sheikh, Age 42 years, S/o Ghulam Ahmad Sheikh, R/o Wurrallama, Tehsil Pahalgam, District Anantnag.
11. Showkat Ahmad Dar, Age 40 years, S/o Mohammad Jabar Dar, R/o Tokina Gadhanjipora, Awantipora, District Pulwama.

12. Noor Mohammad Shah, age 40 years, S/o Hamid Ullah Shah, R/o Bejbehara.
13. Manzoor Ahmad Khan, age 45 years, S/o Ahmad Ullah Khan, R/o Shirpora Bala, Anantnag.
14. Taroq Ahmad Khan age 38 years, S/o Abdul Gani Khan, R/o Payer Pulwama.
15. Yunis Ahmad Bhat, age 45 years, S/o Mohammad Jabbar Bhat, R/o Wabzan, Bejbehara.
16. Muzaffar Ahmad Dar, S/o Ghulam Ahmad Dar, R/o Zirpora, Bejbehara.
17. Farooq Ahmad Dar, age 45 years, S/o Abdul Gani Dar, R/o Wurenhal Anantnag.
18. Sabzar Ahmad Rather age 45 years, S/o Bashir Ahmad Rather, R/o Guree Bejbehara.
19. Mohammad Ishaq Ganjoo age 44 years, S/o Saif Ullah Ganjoo, R/o Bejbehara.

.....Applicants.

(Advocate: Mr. M.Y. Paray)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner/Secretary to Government, PHE & I&FC Department, Civil Secretariat, Srinagar / Jammu - 190001.
2. Chief Engineer Kashmir I&FC, Kashmir Srinagar – 190001.
3. Director, Finance PHE & I&FC Department, Civil Secretariat, Srinagar/Jammu – 190001.
4. Superintending Engineer Mechanical Circle, I&FC Department, Civil Secretariat, Srinagar/Jammu – 190001.
5. Executive Engineer, Mechanical Irrigation Division, Anantnag, Headquarter at Awantipora - 192122.

.....Respondents

(Advocate:- Mr. Amit Gupta, AAG)

O R D E R [O R A L]

Hon'ble Mr. Rakesh Sagar Jain, Member (J):

At the outset, learned counsel for the applicants draws our attention to the judgment dated 04.02.2019 passed by Hon'ble High Court, Jammu and Kashmir at Srinagar in SWP No. 167/2019 – Arif Hussain Mantoo and Ors. Vs. State of J&K and Ors. (Annexure A-IV) and submits that the applicants would be satisfied if direction is given to the respondents to consider and decide the case of the applicants in the light of direction given by the Hon'ble High Court in the judgment dated 04.02.2019, as the applicants are similarly situated to the petitioners of SWP No. 167/2019, by passing a reasoned and speaking order within a stipulated period of time.

2. Learned counsel appearing on behalf of the respondents seeks time to file counter affidavit.

3. However, looking to the submissions made by the learned counsel for the applicant, there is no need to call for counter from the respondents and the OA can be disposed off at the admission stage itself. Accordingly, the O.A. is disposed of with a direction to the respondents to consider and decide the case of the applicants in the light of judgment dated

04.02.2019 passed by Hon'ble High Court, Jammu and Kashmir at Srinagar in SWP No. 167/2019 – Arif Hussain Mantoo and Ors. Vs. State of J&K and Ors. (Annexure A-IV), if they are similarly situated employees, and pass a reasoned and speaking order within a period of two month from the date of receipt of a certified copy of this order.

4. No order as to costs.

5. It is made clear that we have not expressed any opinion on merits of the case while disposing of the present OA.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Anand...