

Item No. 9



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 6011/2020
(SWP No.951/2011)

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)**

Abdul Rashid Lone
S/o Gh. Ahmad Lone
R/o Amirabad Tral
Aged about 45 years.

..Applicant

(Nemo for applicant)

Versus

1. State of J&K,
through Commissioner Secretary to Govt.
Housing & Urban Development, Srinagar.
2. Chief Engineer, UEED Srinagar.
3. Superintending Engineer
UEED Circle IInd, Srinagar.
4. Executive Engineer
S&D Division Ist, Srinagar.
5. Director, Urban Local Bodies
Kashmir, Old Secretariat
Srinagar.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant states that he was appointed as Class IV employee in the Urban Environmental Engineering (UEE) Department in the year 1984. He was assigned the job of Works Supervisor. It is stated that he was formally promoted to the post of Works Supervisor in the year 1998 and ever since then, he is working in that capacity. He mentioned the places, where he is said to have worked from time to time. Complaining that he is relieved in the year 2011 with a direction to report to the Director, Urban Local Bodies, Kashmir, with joining report, but the 5th respondent refused to accept him as an employee, the applicant filed SWP No. 951/2011 before the Hon'ble High Court of Jammu and Kashmir. It was with a prayer to direct the respondents to decide his legal status and to allow him to continue in service, till he is permanently absorbed in the Department.

2. The respondents filed a reply, denying the very factum of the engagement of the applicant. They have also put the applicant to strict proof of the various facts pleaded by him. An interim order was passed on 09.05.2011 by the Hon'ble High Court, directing the Chief Engineer, UEE Department to permit the applicant to work till the next date.

3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu and Kashmir and renumbered as T.A. No.6011/2020.



4. Today, there is no representation for the applicant. We heard Mr. Rajesh Thapa, learned Deputy Advocate General, and perused the record.

5. Even according to the applicant, he was relieved in the year 2011, with a direction to report to the 5th respondent, but the latter has refused to permit him to join. The record is devoid of any specific order of appointment and everything is by way of just assertion. However, a perusal of the order dated 24.08.2010 discloses that the applicant was transferred along with the post of Works Supervisor, from Town Drainage Division, Kashmir to the Office of Chief Engineer, UEE Department. The Chief Engineer, in turn, mentioned that there are no orders of absorption and it is only when such absorption takes place, that the smooth functioning can take place. In a reply dated 25.04.2011, the Director, Urban Local Bodies reiterated the transfer.

6. The entire episode is in a very bad taste. It is just understandable as to how a daily wage worker can be transferred from one place to another, that too, along with the post. More than one decade has elapsed ever since the applicant was discontinued. No relief can be granted at this stage.

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



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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