

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 62/1183/2021**

This the 11<sup>th</sup> day of August, 2021

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

Dr. Mohsin Musthaq, Aged 41 years, S/o Mushtaq Ahmad Kutay, R/o Manzgam,  
Kulgam, Srinagar-192231.

.....Applicant

(Advocate:- Mr. Syed Sajad Geelani)

Versus

1. Union Territory of J&K through Additional Chief Secretary, Health & Medical Education Department, Civil Secretariat, Jammu/Srinagar-180001.
2. Secretary Jammu & Kashmir Public Service Commission, Srinagar-190001.
3. Director, Health Services Kashmir, 190001.
4. Principal Government Medical College, Srinagar-190001.
5. Principal Government Medical College, Baramulla-193101.

.....Respondents.

(Advocate: Mr. Sudesh Magotra, learned D.A.G.)

**ORDER**

**ORAL**

**(Delivered by Hon'ble Mr. Anand Mathur, Member-A)**

Learned counsel for the applicant states that the applicant is aggrieved of inaction on part of the Respondent No. 3 (Director Health Services) in not forwarding his application form to Respondent No. 2 i.e., Public Service Commission (hereinafter referred to as P.S.C.) and seeks direction to Respondent No. 3 i.e., Director Health Services, Kashmir to forward the application form to P.S.C. and Respondent No. 5 i.e., Principal, Government Medical College, Baramulla to relieve the applicant formally to join as Lecturer, GMC Srinagar so that the applicant be treated as in service candidate. He also states that Director Health Services, Kashmir has confirmed that they have



received the application form for Lecturer Surgery, GMC Srinagar under letter No. SIMS-110/07/2019-437 dated 23.03.2019 and have sought further instructions in the matter. Since the applicant had applied through proper channel as an in service candidate, the applicant requests that he may be properly relieved to join GMC Srinagar so that his previous service of 11 years is counted in continuation of the new service. Accordingly, the applicant prays for following reliefs:-



- “(A) Directing the respondent no.-3 (Director Health Services) and res-1 to forward the application form of the applicant to the PSC (res-2) besides a direction be issued to the res-5 to relieve the applicant formally to join as Lecturer GMC Srinagar as per the selection and PSC be directed to treat the applicant as in service candidate and seek direction on the respondent no-3 (Director Health Services) and res-1 to forward the application form of the applicant to the PSC (res-2) besides a direction be issued to the res-5 to relieve the applicant formally to join as Lecturer GMC Srinagar.
- (B) A direction be issued for setting aside the unreasonable condition of appointment order dated 22-05-2021 (Annexure-A11) to the extent of submitting judicial undertaking of getting relieving order within 03 months and the applicant be allowed to perform his duties notwithstanding the said condition.”

2. Learned Dy. A.G. submits that the applicant was appointed as Assistant Professor at GMC Baramullah under Government Order No. 272-HME of 2019 dated 06.03.2019 and was relieved on 10.04.2019. The applicant had applied for the post of Lecturer, GMC Srinagar and his application form was received by the Office of Director Health Services through SKIMS authorities under letter no. SIMS 110/07/2019 437 dated 23.03.2019 but the same was not forwarded to Administrative Department because he had already been relieved for the faculty post at GMC Baramullah and was not on the rolls of Health Services.



3. Learned counsel for the applicant informs that the applicant has been provisionally allowed to join GMC Srinagar for a period of 03 months. He requests that this O.A. may be treated as representation of the applicant and the respondents may be directed to dispose of the same within a time frame. In the meanwhile, he may be allowed to continue at GMC Srinagar.

4. We have heard Mr. Syed Sajad Geelani, learned counsel for the applicant and Mr. Sudesh Magotra, learned Dy. A.G. for the respondents and perused the records.

5. In view of the limited request of the applicant, the competent authority amongst the respondents is directed to treat this O.A. as representation of the applicant and dispose of the same by passing a reasoned and speaking order within a period of one month from the date of receipt of a certified copy of this order. A copy of the speaking order be furnished to the applicant also. Meanwhile, till the disposal of the representation, the applicant may be allowed to continue at GMC Srinagar.

6. The O.A. is disposed of accordingly.

**(ANAND MATHUR)**  
**MEMBER (A)**

*Arun*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**