

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 6130/2020
(S.W.P. No.2775/2011)

Tuesday, this the 27th day of April, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Haroon Rashid Wani (age... years)
s/o Abdul Rashid Wani
r/o Maidan Chogal Handwara

..Applicant

(Mr. Parvaiz Nazeer, Advocate)

VERSUS

1. State of Jammu & Kashmir through
Commissioner/Secretary, Forest Department,
Civil Secretariat, Jammu / Srinagar
2. Principal Chief Conservator Forests, J & K at
Jammu/ Srinagar
3. Chief Conservator Forests Kashmir
4. Conservator of Forest, North Circle
5. DFO Forest Division Langate, Handwara

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant states that he was selected and appointed as Forest Guard by the Government of Jammu & Kashmir vide order dated 25.09.2007. He contends that on being appointed, he has also joined the service and is being paid the salary. His grievance is that the respondents are not opening the service register on the ground that two criminal cases are pending



against him. He filed SWP No.2775/2011 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to prepare and maintain the service book for him and to make necessary entries therein.



2. 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.6130/2020.

3. Today, we heard Mr. ParvaizNazeer, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

4. The applicant has enclosed the copies of Forest Order dated 25.09.2007 where under himself and fourteen others were selected and appointed as Forest Guards. In all fairness, the applicant submits that two criminal cases are pending against him. Though the applicant states that he has been permitted to join the duty and he has also been paid the salary, the clear picture is not before us. Be that as it may, once the applicant has been appointed in the year 2007 and in case he is permitted to join the duty, it becomes necessary to maintain the service record. If on the other hand the appointment is kept on hold on account of pendency of criminal cases, further steps need be taken, depending on the outcome of the criminal cases. Either

way, the applicant cannot be kept in dark about his status in the service and maintenance of the service book.

5. We, therefore, dispose of the T.A. directing that:



- (a) in case the applicant is already discharging the duties of the post of Forest Guard, the respondents shall open and maintain the service record without prejudice to their right to take necessary steps, depending upon the outcome of the criminal cases; and
- (b) in case the applicant is not performing the duties, the necessary steps shall be taken in accordance with law, once the criminal cases are disposed of.

There shall be no order as to costs.

(AradhanaJohri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 27, 2021
/sunil/jyoti/sd/