

**Central Administrative Tribunal  
Jammu Bench, Jammu**



T.A. No.6818/2020  
(SWP No.2008/2018)

Monday, this the 28<sup>th</sup> day of June, 2021

(Through Video Conferencing)

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

Mst. Aisha, aged 35 years  
d/o Gh. Rasool Sheikh  
r/o Village Chawgam  
Tehsil Devsar District Kulgam

..Applicant

(Mr. G Q Bhat, Advocate)

VERSUS

1. State of Jammu & Kashmir through  
Commissioner/Secretary to Govt. Health &  
Family Welfare Department,  
Civil Secretariat, Srinagar
2. Director Health Kashmir Srinagar
3. Chief Medical Officer Kulgam
4. Block Medical Officer Qazigund Kulgam
5. Deputy Commissioner Kulgam

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General for Mr. Amit Gupta, Additional Advocate General)



### **ORDER (ORAL)**

**Mr. Justice L. Narasimha Reddy:**

The applicant filed SWP No.2008/2018 before the Hon'ble High Court of Jammu & Kashmir for a direction to the respondents to consider her case in terms of SRO No.43 of 1994. She claimed the relief in the form of appointment on compassionate grounds.

2. The respondents filed a detailed counter affidavit. It is stated that the case of the applicant was considered and an order was passed on 23.01.2020 in compliance of the interim order passed by the Hon'ble High Court on 28.08.2018, rejecting her case. They have stated that the reasons for rejection were also mentioned therein and contend that the SWP is not maintainable.



3. 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.6818/2020.

4. Today, we heard Mr. G Q Bhat, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General for Mr. Amit Gupta, learned Additional Advocate General.

5. The applicant filed the SWP, complaining that her case was not considered by the respondents in terms of SRO No.43 of 1994. Whatever may have been the circumstances under which the applicant filed SWP, the fact, however, remains that the respondents passed a detailed order dated 23.01.2020 in compliance of the interim order passed by the Hon'ble High Court. If the applicant is not satisfied with the reasons mentioned in the order, she has to pursue the remedies separately.

6. We, therefore, dismiss the T.A., leaving it open to the applicant to pursue the remedies *vis-à-vis* order dated 23.01.2020. There shall be no order as to cost.



**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**June 28, 2021**  
**/sunil/maya/dsn/sd/**