

Item No. 5



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 8201/2020
(SWP No.1336/2011)

Tuesday, this the 16th day of March, 2021

(Through Video Conferencing)

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

Abdul Rashid Ganai, Aged 35 yrs,
S/o Mohammad Sultan Ganai,
R/o Lalad, Sopore, District Baramulla.

...Applicant

(Nemo for applicant)

VERSUS

1. State of Jammu & Kashmir through,
Commissioner/Secretary to Govt.,
Agriculture Department,
Civil Secretariat, Jammu.
2. Director Agriculture Marketing/ Horticulture (P&M) J&K,
Srinagar.
3. Chief Executive Officer,
Agriculture Produce Market Committee, Sopore.
4. Secretary,
Agriculture Produce Market Committee,
Sopore.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

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

The applicant states that he was appointed as Guard / Chowkidar in the Agriculture Produce Market Committee (APMC), Sopore in the year 2005 with the salary of Rs.1000/- per month. Complaining that the respondents were trying to discontinue him from the post and was not considering his case for regularization, the applicant filed SWP No.1336/2011 before the Hon'ble High Court of Jammu & Kahsmir. He made a prayer to direct the respondents to continue him and to regularize his services. The Hon'ble High Court passed an interim order dated 29.06.2011, directing the maintenance of status quo as on that date.

2. The record discloses that no counter affidavit was filed by the respondents.

3. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as T.A. No.8201/2020.

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

5. It may be true that the applicant was engaged as Guard/ Chowkidar in the APMC in the year 2005. However, it is not



known as to whether he was continued and whether his appointment was by the competent authority. The Hon'ble High Court directed maintenance of status quo. In case the applicant is still holding the same post, it needs to be considered as to whether he is working as Chowkidar in APMC, Sopore against any sanctioned post and if so, whether he can be considered for regularization in terms of the existing provisions of law. If on the other hand, he is not working, nothing further needs to be decided.

6. The T.A. is accordingly disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 16, 2021
/sunil/jyoti/vb/anvit