

Item No.3

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 8235/2020
(SWP No.901/2016)

Monday, this the 12th day of July, 2021

(Through Video Conferencing)

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

Baseef Ahmad Mir (Aged about 23 years)
s/o Ghulam Nabi Mir
r/o Gassur, Hazratbal, Srinagar

..Applicant

(Nemo for applicant)

Versus

1. State of J & K through Chief Engineer, PHE Deptt, Kashmir, Srinagar
2. Executive Engineer, Rural Water Supply Division, Ganderbal
3. Assistant Executive Engineer, Rural Water Supply Sub Division, Srinagar (Ganderbal Station at Srinagar)

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant states that he worked on casual basis with the Rural Water Supply Division from August, 2014 onwards and when he was not paid the wages, he filed SWP No. 567/2015 before the Hon'ble High Court of Jammu & Kashmir. It is stated that the SWP was disposed of on 30.03.2015 with a direction to the respondents to consider his case for payment of legitimate earned wages, in accordance with the Rules and stating to be in compliance with the said order, the Executive Engineer, PHE Department passed an order dated 15.09.2015, mentioning that no person, with the name of the applicant herein has worked in their office. Another observation was that the Lineman was not competent to engage anyone on daily wages. The applicant filed SWP No.901/2016 before the Hon'ble High Court, challenging the communication dated 15.09.2015. He pleaded that the relevant facts were not correctly mentioned and the view expressed in the impugned order that he did not work at all, is not correct.

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.8235/2020.

3. Today, there is no representation for the applicant. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

4. This is the second round of litigation, in the context of this applicant claiming the wages for the period during which he said to have worked. In the first round, the Hon'ble High Court directed the respondents to consider the case of the applicant with reference to the relevant Rules. After examining the record, the respondents passed the impugned order, stating that no person with the name "Baseef Ahmad Mir" worked in their organization, at the relevant point of time. Obviously responding to the claim of the applicant that the Lineman has engaged him, the respondents stated that the Lineman is not competent to engage anyone. Once the Department states after verification of the record, that no one with the name of the applicant worked in the organization, there is nothing that the Tribunal can do about it.

5. The applicant seems to have been deceived by somebody in the PHE Department. We are indeed sorry to observe that our experience for the past few months discloses that the PHE Department has virtually become the epicenter of corrupt and illegal activities and a thorough overhauling of the Department is needed, if the same situation is prevailing .

6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 12, 2021

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