



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.8348/2020
(S.W.P. No.402/2017)

Tuesday, this the 23rd day of February, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Dr. Owais Hameed Dar, Aged 32 years, S/o Abdul Hamid Dar,
R/o Bul Bul Nowgam, Anantnag.

.. Applicant

(Through Mr. Sazad Ahmad Mir, Advocate)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Govt. Health and Medical Education, Srinagar/Jammu.
2. Director, Health Services, Kashmir, Srinagar.
3. Deputy Director, Health Services (HO) Kashmir.
4. Chief Medical Officer, Anantnag.
5. Medical Superintendent, District Hospital, Anantnag.
6. Medical Superintendent, Sub District Hospital Dooru.
7. Block Medical Officer, Mattan.
8. Dr. Mohd Amin Sagroo (Consultant Surgeon) C/o Medical Superintendent, Anantnag.

.. Respondents

(Through Mr. Rajesh Thapa, Deputy Advocate General vice Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Consultant Radiologist in the Directorate of Health Services, Kashmir. While he was working as Radiologist at Sub District Hospital (SDH), Dooru, an order was passed on 23.02.2017 by the Deputy Director Health Services (HO), Kashmir, directing that the salary of one Dr. Mohd. Amin Sagroo, Consultant Surgeon, District Hospital (DH) Anantnag, shall be drawn against the post of Consultant Radiologist at DH Anantnag, and the salary of the applicant shall be drawn against the post of Consultant in Block Mattan, as per previous practice. Challenging the said order, the applicant filed SWP No.402/2017 before the Hon'ble High Court of Jammu & Kashmir. He raised several grounds in challenge to the said order. The Hon'ble High Court passed an interim order dated 09.03.2017, staying the operation of the impugned order.

2. The respondents filed a detailed reply. It is stated that the salary of the applicant was not altered or modified in any manner whatever. It is also stated that the matter pertaining to very appointment of the applicant against a selection post, is under investigation by the Crime Branch, Kashmir, where it has been revealed that the applicant has obtained the appointment fraudulently and contrary to law. The respondents have also



stated that it makes no difference for the applicant that the salary comes from one source or the other.

3. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 8348/2020.

4. Today, we heard Mr. Sajad Ahmad Mir, learned counsel for applicant and Mr. Rajesh Thapa, learned Deputy Advocate General *vice* Mr. Amit Gupta, learned Additional Advocate General.

5. A perusal of the impugned discloses that it was purely an administrative measure in the context of drawing the salary of certain doctors. The applicant cannot be said to have suffered any grievance as long as the respondents did not reduce his emoluments, in any manner. In the counter affidavit, it is mentioned that on account of creation of the Model Hospital, it became necessary to make certain adjustment and the applicant is unnecessarily complicating the issue.

6. We do not find any merit in the TA and the same is accordingly dismissed. We, however, direct that the respondents shall not, in any manner, reduce the emoluments of the applicant. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 23, 2021
/sd/sunil/jyoti/dsn