

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.8697/2020
(S.W.P. No.2574/2018)

Wednesday, this the 31st day of March, 2021

(Through Video Conferencing)

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

Dr. Mushtaq Ahmad Aga
(Age about 45 years)
S/o Bashir Ahmad Aga
R/o Kulangam Handwara
Presently residing at MIG Colony,
Bemina (Place of Posting Government Unani Hospital,
Shalteng Srinagar)

..Applicant

(Ms. Saima Mehboob, Advocate)

VERSUS

1. State of Jammu and Kashmir through
Principal Secretary to Government, Health
and Medical education Department Civil Secretariat,
Jammu/Srinagar
2. Director, India System of Medicine Indra Chowk, Jammu
3. Deputy Director, ISM Kashmir Srinagar.
4. Assistant District Medical Officer, ISM&H
Srinagar/Budgam
5. Office In-Charge, government Unani Hospital, Shalteng,
Srinagar.
6. Dr. Jabeen Ishaq w/o Mufti Umer R/o Parraypora
Srinagar presently posted at ISM Unanani Hospital
Shalteng HMT Srinagar.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

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

The applicant is working as a Medical Officer (Unani) in the Directorate of Indian Systems of Medicine (ISM), Government of Jammu & Kashmir. It is stated that he is now working at Government Unani Hospital, Shalteng, Srinagar, but drawing salary against the post of Medical Officer (Unani) attached to ISM Dispensary Fateh Kadal, Srinagar. Through an order dated 24.10.2018, the Director, ISM, Srinagar posted Dr. Jabeen Ishaq (respondent No.6), Medical Officer at ISM Dispensary Fateh Kadal, Srinagar. Apprehending that the applicant may not get salary when the respondent No.6 is posted at Fateh Kadal, he filed SWP No.2574/2018 before the Hon'ble High Court of Jammu & Kashmir with a prayer to quash the order dated 24.10.2018. A further direction is sought for payment of salary to the applicant on regular basis. The Hon'ble High Court passed an interim order dated 02.11.2018 with certain directions.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 8697/2020.

3. Today, we heard Ms. Saima Mehboob, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.



4. It is not in dispute that the applicant as well as respondent No.6 are working as Medical Officers (Unani). While the applicant is working at Government Unani Hospital, Shalteng, Srinagar, the respondent No.6, who was awaiting orders of posting, was adjusted at ISM Dispensary, Fateh Kadal, Srinagar. Assuming that the applicant was drawing the salary from ISM Dispensary, Fateh Kadal, it should not be a matter of concern for him, if the respondent No.6 is posted at that place. At the most, he can insist that the salary must be paid to him on regular basis. The respondents also cannot deny payment of salary to him.

5. We, therefore, dispose of the T.A., refusing to interfere with the order dated 24.10.2018, but directing that the applicant as well as respondent No.6 shall be paid their salary every month regularly. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 31, 2021
/sunil/vb/ankit/akshaya