

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.8748/2020  
(SWP No.2322/2011)

Tuesday, this the 4<sup>th</sup>day of May, 2021

(Through Video Conferencing)

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

Ali Muhammad Boda,  
Age 45 years,  
S/o Abdul Rehman Boda,  
R/o Shir-Pora, Anantnag.

..Applicant

(*Nemo* for applicant)

### VERSUS

1. State of Jammu and Kashmir through  
Commissioner Secretary to Govt. Consumer  
Affairs& Public Distribution Department  
Civil Secretariat Srinagar/Jammu.
2. Director,  
Consumer Affairs & Public Distribution Department  
Kashmir, Srinagar.
3. Joint Director (Administration),  
Consumer Affairs & Public ,Distribution  
Department Kashmir, Srinagar.
4. Chief Accounts Officer,  
Consumer Affairs & Public Distribution  
Department Kashmir, Srinagar
5. Assistant Director,  
Consumer Affairs & Public Distribution  
Department, Anantnag.

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

## ORDER (ORAL)



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

The applicant states that he was engaged as a daily wager in the Department of Consumer Affairs & Public Distribution, Kashmir in the year 1976. He was tried in a criminal case on the allegation that he was responsible for shortage of grains at the Sale Centre Sagam and on that basis, he was disengaged from service, through an order dated 06.10.1983. It is stated that the applicant was acquitted in the criminal case, through judgment dated 28.02.1989. Thereafter, he filed a Civil Suit before the Court of Munsiff, Anantnag for the relief of reinstatement into service retrospectively, with back wages and other reliefs. The Suit was decreed vide judgment dated 31.12.2001. The applicant states that he was reinstated into service initially and thereafter, the reinstatement was treated as prospective in effect. He further contends that the Execution Petition was pending for the enforcement of other reliefs.

2. The respondents issued an order dated 16.04.2008, regularizing his services. The applicant did not press the Execution Petition. The respondents issued an order 18.04.2008, withdrawing the order of regularization. Challenging the said order, the applicant filed SWP No.2322/2011 before the Hon'ble High Court of Jammu & Kashmir. It is pleaded that the impugned order is contrary to law and was passed without

issuing any notice to him. It is further pleaded that the order runs contrary to the decree passed in the Civil Suit.



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.8748/2020.

4. Today, there is no representation on behalf of the applicant and we perused the record and heard Mr. Rajesh Thappa, Deputy Advocate General.

5. The record does not disclose that the applicant was appointed on regular basis at all. It was only on daily wages basis, that he was engaged in the year 1976. That came to an end on account of the filing of criminal case against him. After acquittal, he filed a Civil Suit. The circumstances under which the Suit was filed or it was decreed by the Munsiff Court are not immediately before us. The applicant stated that he was reinstated into service and that he was paid certain wages. An order was passed on 16.04.2008 regularizing his services and within two days thereafter it was withdrawn.

6. For all practical purposes, the impugned order was passed hardly before the order dated 16.04.2008 landed in the hands of the applicant. In case the applicant is entitled for regularization



of his services, he has to place before the Court, the relevant provisions and the supporting facts. The order of regularization itself is somewhat a mystery. Obviously, the defect was noticed and the impugned order was passed. The applicant is not able to point out any provision of law, that enables him to get the relief of regularization. Even now, he can make a representation for regularization, if he is in service.

7. We do not find any merit in the T.A., and the same is accordingly dismissed. There shall be no order as to costs.

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

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

**May 4, 2021**  
/sunil/rk/dsn/