

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.999/2021
(S.W.P. No.73/2016)

Thursday, this the 13th day of May, 2021

(Through Video Conferencing)

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

1. Dr. Zia-Ul-Islam,
Aged 37 years,
S/o Abdul Khaliq Bhat,
R/o Sulkote, District Kupwara.
2. Dr. Ayjaz Ahmad,
Aged 37 years,
S/o Ghulam Qadir Bhat,
R/o Gushi, District Kupwara.
3. Dr. Zahoor Ahmad Mir,
Aged 40 years,
S/o Ghulam Mohammad Mir,
R/o Saloosa, District Baramulla.
4. Dr. Ihsan Ahmad Bhat,
Aged 37 years,
S/o Ghulam Mohi-ud-din Bhat,
R/o Monghall, District Anantnag.
5. Dr. Salma Manzoor,
Aged 34 years,
D/o Manzoor Ahmad,
R/o Tanghdar, Karnah,
District Kupwara.

..Applicants

(Mr. Mohammad Saleem Mir, Advocate)

VERSUS

1. State of Jammu & Kashmir,
through Commissioner/Secretary to Government,
Health & Medical Education Department
Civil Secretariat, Jammu/Srinagar.

2. Director,
Health Services
Kashmir-Srinagar.
3. J&K Board of Professional Examination,
Through its Under Secretary,
J&K at Srinagar.

(Mr. Rajesh Thappa, Deputy Advocate General)

..Respondents



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants are working as Assistant Surgeons in the Medical Department. They intended to pursue the Post Graduate Courses under in-service category. Though they were selected for the Course, the Government did not relieve them by citing the shortage of staff. At that stage, the applicants filed SWP No.73/2016 before the Hon'ble High Court of Jammu & Kashmir, seeking appropriate directions. An interim order was passed by the Hon'ble High Court, enabling the applicants to join the Post Graduate Courses.

2. The respondents filed a written statement, narrating the reasons on account of which the NOC was denied to them.
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.999/2021.

4. Today, we heard Mr. Mohammad Saleem Mir, learned counsel for applicants and Mr. Sudesh Mangotra, Deputy Advocate General.

5. An interim order was passed by the Hon'ble High Court, that enables the applicants to join the Post Graduate Courses. It is not known as to whether the applicants have availed the benefit of that. In case they joined the Course, the study would have been completed long back. If on the other hand they did not join, nothing can be done at this stage. Either way, the T.A. has become infructuous. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 13, 2021
/sunil/rk/sd/

