

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No. 397/2021
(S.W.P. No. 1541/2013)

Thursday, this the 08th day of April, 2021

(Through Video Conferencing)

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

1. Farooq Ahmad Ashaie (age 20 yrs.),
S/o Amir Ud din Ashaie,
R/o Khag, District Budgam.
2. Ab. Hamid Dar (Age 25 yrs.),
S/o Mohammad Ahsan Dar,
R/o R.D.C. Pora, Tehsil Khag,
District Budgam.

..Applicants

(None)

VERSUS

1. State of Jammu & Kashmir through Commissioner/Secretary, Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director School Education, Kashmir, Srinagar.
3. Chief Education Officer, Budgam.
4. Zonal Education Officer, Khag Distt. Budgam.

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:



Two persons by name Farooq Ahmad Ashaie and Ab. Hamid Dar, filed SWP.No.1541/2013, stating that they were engaged as contingent employees in the Middle School RDC Pora Khag, on a remuneration of Rs.500/-. Apprehending that they may be discontinued from such engagement, they filed SWP.No.1541/2013, before the Hon'ble High Court of Jammu and Kashmir, with a prayer to direct the respondents to not to disengage them. The Hon'ble High Court did not pass any interim order. Over the period, the second applicant has withdrawn from the Writ Petition.

2. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu and Kashmir, and renumbered as TA.No.397/2021.

3. There is no representation on behalf of the Applicant. We perused the record and heard Mr. Rajesh Thappa, learned Deputy Advocate General, for the Respondents.

4. On a perusal of the Writ Petition, it becomes clear that it was filed purely on an apprehension. It is fairly well settled that no Writ Petition or similar proceedings can be entertained just on the basis of the apprehension. Further, the Hon'ble High Court did not pass any interim order, and it is not known as to whether the first applicant is still continuing in the same post.



5. The learned counsel for the Respondents submits that a clear ban was imposed on such engagement in the year 1994.

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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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