



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.2919/2020
S.W.P. No.1301/2015

Thursday, this the 18th day of February, 2021

(Through Video Conferencing)

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

1. Abdul Gaffar Khan (Age : 55 years), S/o Abdul Gani Khan, R/o Karihama, Kupwara.
2. Ghulam Ahmad Bhat (Age 56 years), S/o Abdul Gani Bhat, R/o KargamLangate.
3. Abdul Ahad Lone (Age 58 years), S/o Ghulam Mohammad Lone, R/o Lantage.
4. Ghulam Ahmad Gugree (Age 55 years), S/o Mohammad Saboor, R/o Baramulla.
5. Fayaz Ahmad Khan (Age 40 years), S/o Abdul Gani Khan, R/o Sopore.
6. Mohammad Sultan Rather (Age 58 years), S/o Ghulam Mohammad Rather, R/o Baramulla.
7. Gulzar Ahmad Bhat (Age 58 years), S/o Mohammad Hamza Bhat, R/o Herri Kupwara.
8. Mohammad Yousuf Wani (Age 58 years), S/o Khazir Mohammad, R/o KhumriyalLolab.
9. Nazir Ahmad Malla (Age 58 years) S/o Abdul Khaliq Malla, R/o Baramulla.
10. Manzoor Ahmad Akhoon (Age 42 years), S/o Abdul QudoosAkhoon, R/o Baramulla.

11. Noor Mohammad Sheikh (Age 40 years), S/o Abdul Sattar Sheikh, R/o Langate.
12. Ghulam Nabi Dar (Age 55 years), S/o Abdul Rahim Dar, R/o Baramulla.

.. Applicants
(Through Mr. Nisar Ahmad, Advocate)

Versus

1. State of J&K through Principal to Govt. Power Development Department Deptt. Civil Secretariat, Srinagar.
2. Development Commissioner (Power) J&K, Srinagar.
3. Chief Engineer EM&RE Wing, Kashmir.
4. Mr Daljeet Singh, Superintending Engineer, Power Development Department, North Circle, Sopore.

.. Respondents
(Through Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicants are working in various capacities such as Lineman, Meter Readers, Sweeper and Attendant, in the Power Development Department of Jammu and Kashmir. Through an order dated 18.06.2015, the department has either sent on deputation, or repatriated or transferred as many as 30 employees. In the case of the applicants, it is stated to be on deputation to Power Development Corporation. The applicants state that they could not have been sent on deputation to the Corporation, without their consent. They filed SWP No. 1301/2015 before the Hon'ble

High Court of Jammu and Kashmir at Srinagar, feeling aggrieved by the order dated 18.06.2015. An interim order was passed on 20.06.2015 in favour of the applicants.

2. The respondents filed a reply stating that the posts were vacant and the impugned order was passed for proper administration in the Department as well as Corporation.

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. 2919/2020.

4. Today, we heard Mr. Nisar Ahmad, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General for respondents.

5. An attempt was made to send the applicants on deputation to the Corporation. They challenged the same by raising several grounds. Even if the deputation were to have worked out, the period of deputation would have been over by this time.

6. Be that as it may, since the applicants remained at the same place and the deputation could not take place, we dispose of the TA by directing that if the applicants are to be



sent on deputation, it shall be strictly in accordance with the relevant provisions of law. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/ankit/dsn