



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No.485/2021  
(SWP No.1138/2013)

Tuesday, this the 23<sup>rd</sup> day of March, 2021

(Through Video Conferencing)

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

Muzaffar Ahmad Naik  
Aged 40 years,  
S/o Rafiz Ahmad Naik  
R/o Korel, Kulgam Asnoor,  
Tehsil Damhal Hanjipora,  
District Kulgam.

.. ..Applicant

(Nemo for applicant)

### **Versus**

1. State of Jammu & Kashmir through  
Commissioner cum Secretary to  
Government, Health Department,  
Civil Secretariat,  
Srinagar.
2. Director Health Services,  
Kashmir Srinagar.
3. Chief Medical Officer,  
Kulgam.
4. Block Medical Officer,  
Damhal Hajni Pora,  
Kulgam.

.. Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

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

The applicant was appointed as Lab Assistant under the National Rural Health Mission on 08.01.2011 by the District Health Society, Kulgam. This was on the basis of a certificate said to have been issued to the applicant by Acharya Industrial Training Institute, Karnataka. It is stated that when the genuineness of the certificate was sought to be checked from the Institute, named above, there was no response from the Institution. It was also mentioned that the applicant remained unauthorizedly absent from 07.07.2011 to 20.07.2011 and despite issuance of notice, he remained absent. By narrating these and other relevant factors, the authorities passed order dated 17.12.2011, terminating the contract of the applicant. Challenging the same, the applicant filed SWP No.1138/2013 before the Hon'ble High Court of Jammu & Kashmir. He contends that the allegations made against him are not true and there was no basis for terminating his contract.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.485/2021.

Item No.7



3. Today, there is no representation for the applicant. We have gone through the records and heard Mr. Rajesh Thappa, learned Deputy Advocate General.

4. The appointment of the applicant as Lab Assistant was purely on contractual basis. Further, it was subject to verification of relevant certificate. In the impugned order, it is not clearly mentioned as to whether the certificate relied upon by the applicant was not found to be genuine. For the benefit of the applicant, we take it that there was no defect in the certificate. In the impugned order, it was mentioned that the applicant remained absent between 07.07.2011 and 20.07.2011 and even thereafter, he did not report to duty, despite service of notice.

5. Under these circumstances, it cannot be said that the impugned order dated 17.12.2011 suffers from any legal or factual infirmity. At any rate, ten years have elapsed ever since the applicant was discontinued. We do not find any merit in this T.A. It is accordingly dismissed. There shall be no order as to costs.

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

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

**March 23, 2021**  
**/pj/sunil/vb/ankit/**