



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.497/2021
(S.W.P. No.3135/2013)

Tuesday, this the 06th day of April, 2021

(Through Video Conferencing)

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

Fayaz Ahmed Shiekh,
Aged 38 years,
S/o: Hamidullah Shiekh
R/o: Dadarhama Ganderbal, Kashmir.

..Applicant

(None)

VERSUS

1. Commissioner Cum Sectary Health and Medical Education Civil Secretariat Srinagar.
2. Service selection Board Through its chairman, Zam Zam Hotel Rambagh, Srinagar.
3. Director Health Services, Srinagar Kashmir.
4. CMO Ganderbal Kashmir.

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

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

The applicant is working as Dental Assistant in the Director of Health Services, Jammu, on temporary basis since 03.03.2008. He contends that the appointment was on the basis of selection and on being successful. In SWP No.2041/2012 before the Hon'ble High Court of Jammu & Kashmir, the applicant and several others claimed the relief of regularization. That was disposed of by the Hon'ble High Court on 05.08.2013, directing the respondents to refer the matter to the Recruitment Board. It is stated that an advertisement was issued by the Service Selection Board, Srinagar, the 2nd respondent herein in the year 2013 and that he and several others also responded to the same. The grievance of the applicant is that he was not awarded the marks, which he is otherwise entitled to, and the result is that he was not selected. In this background, he filed SWP No.3135/2013 before the Hon'ble High Court with a prayer to accept his application form and then to consider his case in terms of the order dated 05.8.2013 passed in SWP No.2041/2012; and extend all the relevant benefits.



2. The applicant contends that the Hon'ble High Court issued specific directions to extend certain benefits to in-service candidates and despite that, he was not extended the same.

3. The record discloses that the respondents did not file any counter affidavit.

4. 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.497/2021.

5. Today, there is no representation for the applicant and we heard Mr. Rajesh Thappa, learned Deputy Advocate General, who advanced the arguments on the basis of specific instructions received by him.

6. There is no dispute that the applicant is working on temporary or contractual basis as Dentist Assistant since 2008. The applicant and others approached the Hon'ble High Court by filing SWP No.2041/2012, claiming the relief of regularization. The SWP was disposed of directing the respondents to refer the case of the respondent No.2. The advertisement was issued by the respondent No.2 in the year 2013. From the perusal of the



T.A., it emerges that the applicant was not permitted at all. However, the learned counsel for respondents categorically stated that the applicant took note of the selection process and he was awarded 57.17 marks, that too, by awarding the marks for the service, he has worked. It is stated that the last candidate is the one, who secured 66.26 marks and in the process, the applicant could not be selected for the post on regular basis. This being the position, we find it difficult to grant any relief to the applicant.

7. The T.A. is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 6, 2021
/sunil/rk/