

(2020) 09 J&K CK 0052

In the Jammu And Kashmir High Court

Case No : Civil Miscellaneous No. 3881 Of 2020, Writ Petition (C) No. 1421 Of 2020

Mohammad Shafi Najar

APPELLANT

Vs

Union Territory Of J&K And Others

RESPONDENT

Date of Decision : 23-09-2020

Acts Referred:

Administrative Tribunals Act, 1985 — 14

Citation : (2020) 09 J&K CK 0052

Hon'ble Judges : Ali Mohammad Magrey, J

Bench : Single Bench

Advocate : R. A. Jan, Taha Khaleel

Judgement

Ali Mohammad Magrey, J

CM No. 3881/2020:

By this motion, the applicant/ petitioner is seeking permission of this Court to file the accompanying Writ petition without enclosing therewith the requisite Stamp Paper, Court fee, etc.

For the reasons mentioned in the application, coupled with submissions made at the Bar, this application is allowed and the applicant/ petitioner is permitted to file the main petition, being WP (C) No. 1421/2020, without enclosing therewith the requisite Stamp Paper, Court fee, etc. It is, however, directed that the said deficiency shall be immediately made good by the applicant/ petitioner, as and when the prevailing lockdown period, announced by the Government on account of outbreak of COVID-19 Pandemic, comes to an end and the Courts start functioning in the normal manner.

CM disposed of as above

WP(C) No. 1421/2020; CM No. 3882/2020:

At the outset, Mr Jan, the learned senior counsel, appearing on behalf of the

petitioner, when asked, submits that the subject of 'academic arrangement', as involved in the instant petition, does not come within the purview of Section 14 of the Administrative Tribunals Act, 1985, as neither any appointment is made on any civil post borne on the cadre of any service of the Government of Jammu and Kashmir nor any notification has been issued by the Government of India conferring jurisdiction upon the Central Administrative Tribunal with regard to the said subject on 'academic arrangement'.

Prima facie, the Court is satisfied that this matter does not fall within the scope of Section 14 of the Administrative Tribunals Act, 1985, as such, the same, for the time being, is required to be retained herein this Court and not transferred to the Central Administrative Tribunal.

Notice in the main petition as well as in the connected CM, returnable by or before the next date of hearing.

List on 27th of October, 2020.

Meanwhile, subject to objections from the other side and till the next date of hearing before the Bench, the present arrangement of the petitioner as Instructor, Carpentry, shall be continued and he shall be paid the legitimately earned wages with respect thereto, of course, in accordance with the rules governing the field.

Registry to provide a copy of this order, in Virtual mode, to the learned senior counsel representing the petitioner today itself.