
(2022) 09 CAT CK 0020

In the Central Administrative Tribunal

Case No : Original Application No. 61, 1284 Of 2022

Naresh Kumar

APPELLANT

Vs

UT Of Jammu And Kashmir & Others

RESPONDENT

Date of Decision : 12-09-2022

Acts Referred:

Citation : (2022) 09 CAT CK 0020

Hon'ble Judges : Suresh Kumar Batra, Member (J)

Bench : Single Bench

Advocate : Tania Mahajan, Sudesh Magotra

Final Decision : Disposed Of

Judgement

Suresh Kumar Batra, Member (J)

Hearing through video conferencing

1. Ms. Tania Mahajan, proxy counsel for Mr. Ankur Sharma, Ld. counsel for the applicant and Mr. Sudesh Magotra, Ld. A.A.G. for the respondents are present.

2. By way of instant O.A., the applicant is seeking a direction to Respondent No. 1 to regularize him against the post of Para Medical Worker with effect from date of his eligibility i.e., 2018 by processing the case file of applicant in a reasonable time frame. He further seeks a direction to respondents to release pending arrears amounting to Rs. 7,20,000 from the period 16.01.2016 to 01.04.2019 along with interest in favour of the applicant.

3. Ld. Counsel for the applicant submitted that the applicant was appointed as Para Medical Worker (Leprosy) under the National Leprosy Eradication Programme in Block Bishnah of Jammu District and is working on the said post from last more than two decades. The Government of Jammu & Kashmir through Finance department issued Notification No: -54 dated 06-08-2016 for regularization of Adhoc/ Contractual/ Consolidated employees and for this purpose an Empowered Committee was constituted in terms of Jammu &

Kashmir Civil Services (Special Provisions Act 2010) for scrutiny and verification. The Committee gave its report, which found one hundred and twelve cases eligible for regularization, and the applicant's name is reflected at Serial No. 7 of Health and Medical Education department list. The applicant approached the respondents a number of times for his regularization. However, till date the respondents have not considered the applicant for regularization as per mandate of Govt Order No. 70-HME of 2018 dated 22-01-2018 in terms of Jammu and Kashmir Civil Services (Special Provisions) Act, 2010. Similarly situated persons in terms of the Jammu & Kashmir Civil Services (Special) Govt. Order No. 70-HME of 2018 dated 22-01-2018 have been regularized by the respondents and are also drawing more salary than the applicant. In this regard, the applicant also submitted various representations to the respondents seeking regularization as well as for salary at par with his similarly situated counterparts, however, till date nothing has happened on the representations submitted by the applicant

4. Ld. Counsel for the applicant further submitted that the grievance of the applicant would be redressed, if the O.A. is disposed of with a direction to the respondents to treat a copy of this O.A. as representation of the applicant and take a decision on the same within a specified period.

5. Mr. Sudesh Magotra, Ld. A.A.G. appeared on behalf of the respondents and conceded the aforesaid limited prayer of the applicants.

6. I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without commenting on the merits of the case, the O.A. is disposed of at this stage, with direction to respondents to consider a copy of this O.A. as representation of the applicant and decide the same, as per rule and regulations, by passing a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order.

7. With the above direction, the O.A. stands disposed of. No costs.