

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**T.A. No. 61/1056/2020**

This the 23rd day of December, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**  
**HON'BLE MR. ANAND MATHUR, MEMBER (A)**



Suman Jee Bhat, Aged 43 years, S/o Sh. Makhan Lal Bhat, R/o H. No. 119-D, Lane No. 2, Sec. -1, Durga Nagar, Jammu.

.....Applicant

(Advocate: Mr. Sanjay Raina)

**Versus**

1. U.T. of Jammu and Kashmir, through Commissioner/Secretary, Education Department, Civil Secretariat, J&K, Jammu.
2. Directorate of School Education Kashmir, Srinagar.
3. Chief Education Office, Srinagar, Kashmir.

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER**

**ORAL**

**(Delivered by Hon'ble Mr. Anand Mathur, Member-A)**

This petition was filed before the Hon'ble High Court of Jammu and Kashmir at Jammu seeking the following reliefs:-

- “(i) Directing and commanding the respondents to issue the already approved formal adjustment order bearing n. CEO/Estt/Appoint/2948 dt. 29-03-2018 in respect of petitioner without any further delay.
- (ii) Commanding the respondent No. 3 to release the withheld/accrued salary of petitioner w.e.f., 06.01.2018 till date.

2. The WP (C) No. 380 of 2020 has since been transferred to this Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as T.A. No. 61/1056/2020.



3. The brief facts of the case are that an advertisement notification bearing no. 01 of 2012 (Item No. 037) was issued for employment of Kashmiri Migrant Youth under PM's Package. The applicant applied for the post of Teacher in pursuant of the said advertisement. On 04.12.2017, select list was issued by Directorate of School Education, Kashmir vide notification no. DESK/Estt/III/B-Trs/7651-55 and the name of the applicant figured at S. No. 10, SSB No. 59. The applicant came to be appointed as Teacher in District Cadre Srinagar vide DESK order no. 1613-DESK of 2017 and the name of the applicant figured at S. No. 06 SSB No. 59. The applicant joined at the office of Chief Education Officer, Srinagar on 06.01.2018. The applicant reported to Respondent No. 3 and submitted his application along with medical certificate issued by Doctor. The Chief Education Officer sent a communication no. CEO/Sgr/PM Package/16998 dated 11.10.2018 along with a copy of the application of the applicant and annexed medical certificate and sought instructions from the Directorate of School Education Kashmir. On 29.06.2019, a detailed report/information was furnished by the officials stating the reasons for delay in processing the case of the applicant was the inability of the concerned clerk to report to Respondent No. 3 and the case of the applicant was not taken up and the same remained in the record room with no action. On 15.10.2019, the applicant submitted a fresh application to Respondent No. 3. The Chief Education Officer vide communication dated 19.10.2019 recommended the case of the applicant and sought permission from Director, School Education for allowing him to issue the already approved formal adjustment order in favour of the applicant. On 14.11.2019, the applicant submitted another application to Respondent No. 2. The applicant approached the Advisor to Hon'ble Lt. Governor, UT of J&K by way of representations dated 06.12.2019 and 13.12.2019 for redressal of his grievance who in turn forwarded and recommended the case of the applicant to Respondent No. 1 and 2. However, the respondents are still sitting over the matter and yet to respond in any manner.

4. Learned A.A.G. appearing for the respondents submits that no formal cancellation order has been issued and the issue with regard to appointment and adjustment of the

applicant is pending before the Secretary, Education Department, Civil Secretariat, Jammu for consideration.



5. Heard Mr. Sanjay Raina, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

6. Looking to the facts and circumstances of the case, we are of the opinion that as the matter is pending with the Secretary, Education Department, Civil Secretariat, Jammu, he can be directed to take a decision on the same within a stipulated time frame. Accordingly, the T.A. is disposed of with direction to the respondents to consider the case of the applicant and take a decision with regard to appointment and adjustment of the applicant by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of this order.

7. It is made clear that we have not entered into the merits of the case.

8. No order as to costs.

**(ANAND MATHUR)**  
**MEMBER (A)**

*Arun...*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**