



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 657/2021
(SWP No. 345/2015)

Tuesday, this the 27th day of July, 2021

(Through Video Conferencing)

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

1. Sikander Singh, Age 50 Years
S/o Sh. Pritam Singh
R/o H. No. 293/4, Shastri Nagar
Tehsil and District Jammu
2. Nar Singh Dass, Age 55 Years
S/o Late Sh. Tola Ram
R/o , Jasrota
Tehsil and District Kathua
3. Ashwani Kumar, Age 49 Years
S/o Sh. Nasib Singh
R/o , Rehian
Tehsil and District Samba
4. Mohd. Yousaf, Age 50 Years
S/o Late Sh. Shoker Din
R/o H. No. AP 307,
Talab Khadika
Tehsil and District Jammu
5. Mohd. Iqbal Bakshi, Age 45 Years
S/o Late Sh. Abdul Gani
R/o , Umer Mohalla
Tehsil and District Kishatwar
6. Makhan Singh, Age 46 Years
S/o Sh. Kartar Singh
R/o , Kandoli
Tehsil Nagrota
District Jammu
7. Gurnam Singh, Age 48 Years
S/o Sh. Amar Singh
R/o Batote
District Ramban
8. Romesh Singh, Age 55 Years



S/o Sh. Paras Ram Bhahu
R/o , Pallanwala
Tehsil Akhnoor
District Jammu

9. Kavinder Pal Singh, Age 45 Years
S/o Sh.S. Khushwant Singh
R/o , Channi Rama
Tehsil and District Jammu
10. Rohit Kumar, Age 40 Years
S/o Late Sh. Chander Mohan
R/o , Channi Himmat,
Tehsil and District Jammu
11. Dinish Singh, Age 43 Years
S/o Sh. Bhagwan Singh
R/o , Nagrota
District Jammu

...Applicants

(Ms. Meenakshi Slathia, Advocate)

Versus

1. State of J&K
Through Its Chief Secretary
Govt. of J&K
Civil Secretariat, Jammu/ Srinagar
2. Principal Secretary to Government
General Administration Department
Govt. of J&K, Civil Secretariat
Jammu/ Srinagar
3. Commissioner Secretary to Government
Transport Department
Govt. of J&K, Civil Secretariat
Jammu/ Srinagar
4. Transport Commissioner
Jammu and Kashmir
Rail Head Complex, Jammu
5. Managing Director J&K
State Road Transport Corporation
Jammu
6. Regional Transport Officer, Jammu
7. Regional Transport Officer



Kathua, Head Office, Lakhanpur

...Respondents
(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants were employed in different capacities in the Jammu & Kashmir State Road Transport Corporation (JKSRTC). On 29.08.2009, they were sent on deputation to Transport Department of Jammu & Kashmir, to hold various posts. They were sought to be repatriated to their parent organization, through an order dated 29.01.2015 passed by the Transport Commissioner, Jammu & Kashmir, the 3rd respondent. Feeling aggrieved by the order of repatriation, the applicants filed SWP No.345/2015 before the Hon'ble High Court of Jammu & Kashmir.

2. According to them, they were sent on deputation to the Transport Department at a time when new establishments were opened and they rendered service of more than half a decade, in that Department. It is also stated that time and again, assurances were given for their permanent absorption and contrary to that, they are sought to be repatriated.



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

4. The Hon'ble High Court passed an interim order dated 13.02.2015, directing the respondents to maintain *status quo*, in respect of the applicants.

5. 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.657/2021.

6. Today, we heard the arguments of Ms. Meenakshi Slathia, learned counsel for applicants and Mr. Sudesh Magotra, learned Deputy Advocate General.

7. The applicants joined the service of JKSRTC. While they were serving in that organization, certain new offices were established in the Transport Department of the State, in the year 2009. With a view to cope up with the work, the Government required the JKSRTC to depute some of the experienced officials. It is in that process, that the applicants came to be sent on deputation to the Transport Department. Though the initial deputation was for two years, they were continued beyond two years, obviously because the work existed.



8. A perusal of the order dated 29.01.2015 discloses that the applicants are sought to be repatriated on account of the fact that some regular employments have taken place in the Transport Department. Had it been a case where the Department did not have any vacancies and the applicants have become surplus, the scope of interference with the order of repatriation would have been very little. Learned counsel for applicants has placed before us, a copy of circular dated 16.07.2021 issued by the Jammu & Kashmir Road Transport Corporation, which reads:-

“Transport Department Civil Secretariat, vide above communication projected Requirement of following staff from JKRTC for their deputation to Motor Vehicle Department UT of J & K.

1. Inspectors (Mechanical Engineers)
2. Officials of Ministerial Cadre

Accordingly, I am directed to request all Profit Centre Heads/Unit Officers to provide the list of desirous employees within a period of two days.”

9. From this, it is evident that there is still a need of Inspectors (Mechanical Engineers) in the Transport Corporation and to meet the requirement, they approached the JKSRRTC for deputation of the employees of the latter. The applicants state that they intend to be absorbed in the Transport Department itself. No prejudice will be caused to



the Department also if the applicants are considered for absorption. On the strength of the interim order dated 13.02.2015 passed by the Hon'ble High Court, the applicants are continuing in the Transport Department itself, even by now.

10. We, therefore, allow the T.A. and set aside the impugned order dated 29.01.2015. We leave it open to the applicants to submit representations / applications, within six weeks from today, for their absorption in the Transport Department. The third respondent, in turn, shall pass appropriate orders on such representations / applications, within two months thereafter. Till such orders are passed, the applicants shall be continued in the existing positions. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 27, 2021
/sunil/rk/daya/