

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) No. 1888/2023
CM No. 4418/2023

Fida Hussain

...Petitioner(s)/Appellant(s)

Through: Mr. Sheikh Hilal, Adv.

Vs.

Union Territory of JK & Ors.

...Respondent(s)

Through: Mr. Numan Idrees Malik, GA

CORAM:

HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
31.07.2023

1. The present petition has been filed by the petitioner being aggrieved of the order dated 14th July 2023 passed by the Central Administrative Tribunal, Srinagar Bench which had dismissed OA No. 545/2023 filed by the petitioner.
2. The order is brief, but records the submissions of learned counsel for the petitioner. The order reflects that the petitioner was working as a Junior Assistant in the respondent department and attending the office everyday and that he is a regular employee of the respondent department and is getting his salary regularly. However, no work is being assigned to him by the Head of the Department. It was also admitted before the Tribunal that there was no impugned order against the appellant. The learned tribunal dismissed the OA on the grounds that there is no impugned order passed by the Department against the petitioner. The tribunal cannot interfere with internal arrangements of the work of the employees of the department and, therefore, the OA was dismissed.
3. Learned counsel for the petitioner submits that the impugned order is illegal and flies on the face of the order passed by this Court in case *Parveena Akhtar vs. State of JK & Ors. (1999) KashLJ 165*, wherein

a learned Single Judge of this Court in that case held in paragraph No. 7 that every employee had to be given some posting and assigned duties which were commensurate with his or her status, class or grade and that steps had to be taken to enable a regular employee to function and render service commensurate with her status in the applicable grade or class or service.

4. The said order cannot be a precedent in the facts and circumstances of the present case. In the case of *Parveena Akhtar*, it is clearly mentioned in paragraph No. 4 that the salary of the petitioner was withheld by the department and, thereafter, her salary was withheld for months together.
5. In this case, it is admitted by the petitioner that he is receiving his full salary regularly. Under the circumstances, he cannot be said to be aggrieved and utilization of the services of the petitioner is the discretion of the department.
6. It is pertinent to mention here that the tribunal also observed on the basis of the submissions made by the learned counsel for the petitioner before it that no work has been assigned to him by the head of the department on account of an enquiry going on against the appellant.
7. This has been opposed to by the learned counsel for the petitioner who submits that it is against the pleadings in the OA. The same notwithstanding the submissions made by the learned counsel for the petitioner before the tribunal which has been taken into account cannot be faulted and cannot be said to a perversity requiring interference by this Court under Article 227.
8. Under the circumstances, the petition lacks merit and is dismissed.

(RAJESH SEKHRI)
JUDGE

(ATUL SREEDHARAN)
JUDGE

SRINAGAR:
31.07.2023

Altaf

Whether approved for reporting? Yes/No