

Government of Jammu and Kashmir,
TRANSPORT DEPARTMENT, CIVIL SECRETARIAT,
J&K.

Subject: T.A. No. 97/2022 titled Ab. Hamid Bhat and Others V/s UT of J&K and Ors.

Reference: Hon'ble Central Administrative Tribunal, Srinagar Bench Order dated 11-07-2024.

Government Order No. 105-JK (TR) of 2024
Dated: 20-12-2024.

WHEREAS, several employees of the departments/ organizations were deputed in the Motor Vehicles Department, from time to time, through various Government Orders, as mentioned against each in the below mentioned sub-joined table: -

S.No.	Name of the official, S/Sh.	Post held	Presently working in the office of	Name of the Department/Corporation	Deputed to MVD vide Govt. Order No. and date
01	Rajeev Kumar Nargotra	Jr. Asstt.	ARTO, Ramban	Khadi and Village Industries Board, Jammu	186-GAD 1994 dated 21-02-1994
02	Anil Suri	Jr. Asstt.	ARTO, Poonch	Social Welfare Department	1564-GAD of 1997 dated 29-09-1997
03	Mohd Younis Khan	Inspector	RTO, Kashmir	Jammu and Kashmir Road Transport Corporation	TR-75 of 2012 dated 19-10-2012
04	Abdul Hameed Bhat	Inspector	ARTO, Kupwara	Jammu and Kashmir Road Transport Corporation	TR-75 of 2012 dated 19-10-2012
05	C.S. Baloria	Inspector	ARTO, Samba	Jammu and Kashmir Road Transport Corporation	54-TR of 2011 dated 16-08-2011

WHEREAS, the officials figuring at S. No. **1** and **2** above were deputed by the General Administration Department and rest of the **three (03)** employees of the Jammu and Kashmir, Road Transport Corporation (JK, RTC) were deputed by the Transport Department to the Motor Vehicles Department, J&K; and

WHEREAS, vide Government Order No. 1604-GAD of 2005 dated 27-12-2005, issued by the General Administration Department, S/Shri Anil Suri, Junior Assistant of Directorate of Social Welfare, Jammu and Rajeev Kumar Nargotra, Supervisor of Khadi and Village Industries Board, Jammu were recalled and reverted back to their parent department/organization, with immediate effect; and

WHEREAS, the said employees aggrieved of their repatriation back to their parent department/organization, approached the Hon'ble High Court through SWP No. 194/2019 titled Anil Suri and another V/s State of J&K and



Others and the Hon'ble High Court vide Order dated **11-02-2019** issued directions to allow the petitioners to work in the Motor Vehicles Department till the court order is modified/stay is vacated; and

WHEREAS, both the employees/petitioners have sought their permanent absorption in the Motor Vehicles Department and their case was examined in the department and it has been found that claim of the petitioners for their absorption in Transport Department (Motor Vehicles Department) is devoid of merits as cannot be considered in light of Rule 5 of the J&K, Civil Service (Classification, Control and Appeal), Rules, 1956, as initial recruitment to the Transport Controller's (Subordinate) Services can only be made either by direct recruitment or by promotion/selection and the mode of recruitment by way of transfer is not provided, hence their claim was rejected by the Department vide Government Order No. 09-TR of 2019 dated 01-02-2019; and

WHEREAS, the other above three employees (Inspectors) of the Jammu and Kashmir Road Transport Corporation (JK, RTC) namely S/Shri Ab. Hamid Bhat, Mohd Younis Khan and C.S. Baloria have also approached the Hon'ble CAT Srinagar Bench, Srinagar in T.A. No. 97/2022 titled Ab. Hamid Bhat and Others V/s UT of J&K and Ors for their permanent absorption in Motor Vehicles Department and the Hon'ble CAT, Bench Srinagar, vide its Order dated 11-07-2024, has disposed of the said Original Application, with the directions that:-

"Learned Counsel for the applicants submits that initially the applicants were appointed in the J&K State Road Transport Corporation. Subsequently in 2002, applicants were sent on deputation to the Motor Vehicles Department of J&K and the applicants were continued with the Motor Vehicles Department till 2015 when the Hon'ble High Court directed for status quo on 05.08.2015 and the applicants are still continuing with the Motor Vehicles Department of the J&K.

Learned Counsel for the applicants submits that in a similar matter, Hon'ble High Court vide order dated 24.07.2018 and the Hon'ble CAT, Jammu bench vide order dated 27.07.2021 has directed the Motor Vehicles Department to consider the absorption of the employees who were on deputation in the Motor Vehicles Department from the J&K SRTC on the representation made by them. He further submits that the matter is squarely covered by these two orders/judgment passed by the Hon'ble CAT Jammu bench respectively."

In view of the limited prayer made by the learned counsel for the applicants, the respondents are directed to consider the request of the applicant for absorption in the Motor Vehicle Department of J&K in accordance with law especially in view of the judgment passed by the Hon'ble High Court of J&K and Hon'ble CAT, Jammu Bench in orders dated 24.07.2018 and 27.07.2021 respectively within a period of two months from the date of receipt of certified copy of this order. Till then the status quo shall be maintained by the respondents.

