

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2398/2025
CM No. 5548/2025

UT of J&K and ors.

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

Through :- Mr. Pawan Dev Singh, Dy. AG

v/s

Manohar Lal

.....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER (ORAL)
09.09.2025**

Sanjeev Kumar J

1. Impugned in this petition filed by the Union Territory of Jammu and Kashmir along with three others, is an order and judgment dated 26.09.2024 passed by the Central Administrative Tribunal, Jammu Bench [**“the Tribunal”**] in OA No. 61/1404/2021, titled, *‘Manohar Lal vs. UT of J&K and ors.’*, whereby the Tribunal has, while allowing OA of the respondent, directed the petitioners to treat the period w.e.f. January, 2015 to March 2016 as on duty and further directed to release the salary for the aforesaid period in favour of the respondent. It was further directed to settle the pensionary benefits on the basis of last pay drawn.
2. Briefly stated the facts given in the petition and as are gathered from the impugned judgment and material on record are that the respondent while he was serving as Master in the School Education

Department, came to be adjusted at High School, Dhandal but he was deployed in the office of Chief Education Officer, Udhampur w.e.f. 30.08.2014. Later, the respondent was allowed to work in High School, Malhar in terms of order dated 17.09.2014 issued by the Chief Education Officer, Udhampur, however formal order of transfer of the respondent to High School, Malhar, came to be issued by the Director School Education on 17.09.2014. Later, vide Government Order No. 08-Edu of 2015 dated 15.01.2015, the respondent was relieved from Government High School, Malhar with a direction to report to the Chief Education Officer, Udhampur for further adjustment. In compliance with the aforesaid Government Order, the respondent submitted his joining in the office of Chief Education Officer, Udhampur on 21.01.2015. The Director School Education, Jammu vide its order No. DSEJ/NG/72307-08 dated 24.03.2016, posted the respondent in Middle School, Mansar where he retired after attaining the age of superannuation on 30.04.2020. The respondent was not paid the salary for the period he had remained attached/posted with the office of Chief Education Officer, Udhampur and therefore, feeling aggrieved, the respondent filed OA No. 1153/2020 before the Tribunal seeking *inter alia* direction to the petitioners herein to issue duty slip for the period w.e.f. 21.01.2015 to 26.03.2016 i.e. the period during which the respondent had remained posted with the office of Chief Education Officer, Udhampur. The OA was disposed of vide order dated 03.12.2020 with a direction to the

petitioners particularly Director School Education, Jammu to consider the grievances of the respondent and dispose of his pending representation by passing a speaking order. In compliance to directions passed by the Tribunal, Director School Education, Jammu vide order No. 758 dated 02.08.2021, rejected the claim of the respondent for duty slip/salary slip for the period w.e.f. 21.05.2015 to 26.03.2016 on the ground that during the aforesaid period, the respondent had not attended the office of Chief Education Officer, Udhampur.

3. Feeling aggrieved by the order of the Director School Education, Jammu dated 02.08.2021 (supra), the respondent filed OA No. 1404/2021 which was disposed of by the Tribunal in terms of judgment impugned with a direction which we have already referred to hereinabove.
4. In the backdrop of aforesaid facts and circumstances, the petitioners have filed the instant petition challenging the judgment of the Tribunal *inter alia* on the ground that the Tribunal has not correctly appreciated the controversy raised in the petition and has issued the direction despite having been made aware that during the period between January, 2015 to March, 2016, the respondent had not performed any duty in the office of Chief Education Officer, Udhampur. The impugned judgment is also challenged on the ground that the Tribunal did not appreciate that OA filed by the respondent was hit by delay and laches.

5. **Having heard learned counsel for the parties and perused the judgment impugned**, we are of the considered opinion that the judgment passed by the Tribunal is legally and factually correct and does not call for any interference by us in these proceedings. Indisputably, January, 2015 to March, 2016 is a period during which the respondent was attached in the office of Chief Education Officer, Udhampur pending his adjustment in some school. From the material on record, it does not come out very clearly as to what were the duties assigned to the respondent in the office of Chief Education Officer, Udhampur. Indisputably, the respondent was not an employee of the office of Chief Education Officer, Udhampur and therefore, his name did not figure in the attendance register maintained by the office of Chief Education Officer, Udhampur. The plea of learned counsel for the petitioners that the respondent could have marked his attendance on a temporary register cannot be accepted for a simple reason that there is no averment made by the petitioners in their objections that such register was anywhere maintained in which name of the respondent was indicated. In the absence of any enquiry conducted by the petitioners with regard to alleged absence of the respondent w.e.f. January, 2015 to March, 2016, we are left with no option but to presume that the respondent was in the office of Chief Education Officer, Udhampur during aforesaid period. It also needs to be seen that no notice much less show cause notice was ever issued to the respondent for not attending his duties in the office of CEO, Udhampur. We fail to

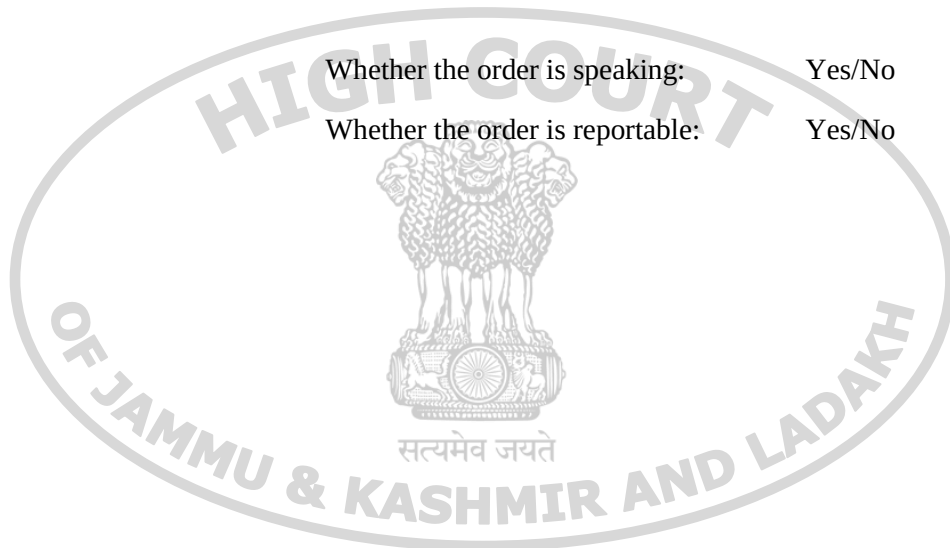
understand that if the respondent was not available in the office of CEO, Udhampur w.e.f. January, 2015 to March, 2016, why this fact was not considered at the time of his posting in the Middle School, Mansar and why no disciplinary action was initiated.

6. In all these reasons which we have mentioned above and the reasons contained in the impugned judgment, we do not find any merit in this petition. The same is, accordingly, **dismissed**.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
09.09.2025
Neha-II



Whether the order is speaking:

Yes/No

Whether the order is reportable:

Yes/No