

	<p>Item No. 10</p> <p>February 20, 2018</p> <p>ss</p>	<p>be present and report shall be filed by 20th September, 2017.</p> <p>On 25th October, 2017 it was submitted on behalf of the applicant that the State of Jammu and Kashmir had already prepared draft guidelines in relation to Rehabilitation Scheme and running of mule on the route from Katra to Bhawan.</p> <p>Thereafter time was sought to comply with the order passed earlier. Thereafter on 13th November, 2017 after hearing all concerned, we had passed detailed order issuing several directions which was assailed before the Hon'ble Supreme Court. It is not disputed that the Hon'ble Supreme Court has stayed only first direction of the order dated 13th November, 2017. This is not disputed that the direction relating to preparation of Rehabilitation Scheme/Plan for mule has not been stayed by the Hon'ble Supreme Court.</p> <p>Referencing to these aspects the Learned Senior Counsel Mr. Krishna Venugopal appearing for the applicant submits that despite clear direction of this Tribunal the Rehabilitation Scheme/Plan has not been finalised by the State of Jammu and Kashmir and no justifiable reason is assigned.</p> <p>The Learned Counsel appearing for State Jammu & Kashmir would submit the M.A. No. 38 of 2018 has been filed seeking extension of time to finalise the Rehabilitation Scheme for recalling of the order passed by this Tribunal on 13th November, 2017 on the grounds urged in the application. However, the Learned Counsel accepts that the order of the Hon'ble Supreme Court dated</p>
--	--	---

	<p>Item No. 10</p> <p>February 20, 2018</p> <p>ss</p>	<p>20th November, 2017 has stayed only to the direction No. 1. He further admits that the ground No. 1 urged in the application to the effect that the Rehabilitation Plan for mule operators is directly relating to direction No. 1 of the order dated 13th November, 2017 is incorrect and the ground does not survive potentially. Similarly, he would urge contending that the ground No. 2 does survive for consideration. However, he would submit that the State wishes to press ground No. 3 and 4 urged in the application and relies on those grounds to seek recalling of the order dated 13th November, 2017 which is seriously opposed by the Learned Senior Counsel Mr. Krishna Venugopal for the applicant. This Tribunal had clearly directed the Chief Secretary to take required steps positively. The Chief Secretary had to file statement in the form of affidavit regarding compliance of the direction. That has not been done. Keeping in mind the factual aspects which is not in dispute and the contentions urged, we are satisfied that the ground No. 4 urged by the State Government stating that the Rehabilitation Scheme/Plan could not be finalised and the same had to be further examined by the Housing and Urban Development Department for placing it before the Cabinet for consideration and for its placement in Public Domain, once the approval of the Competent Authority is obtained, is certainly unacceptable.</p> <p>We are unable to appreciate, how such plea could be advanced when the directions No. 3 issued to the State Government is that the State Government has to finalize by taking required steps. In the ground No. 4 the</p>
--	--	--

	<p>Item No. 10</p> <p>February 20, 2018</p> <p>ss</p>	<p>contention that the draft Rehabilitation Plan prepared by “State Government” is for the further examination by housing and Urban Development Department is meaningless. Even if the Rehabilitation Scheme/Plan is to be further examined by the said Department, the Government should bind all concerned to take expeditious action there is no reason for ignoring or directions to cause delay. Similarly placing before the cabinet, shall be done by the Government itself. More than one year has passed, but nothing has been done by the State of Jammu and Kashmir. The direction of this Tribunal should have drawn attention of the Government immediately to the seriousness of the issue and even if there are certain procedural formalities the State was bound to expedite the process. Since no reason is assigned before us for inaction and the delay resulting therefrom either due to individual inaction or institutional delay in the administration, the State has to explain. Therefore, we can hardly appreciate the conduct of the State Government. The request made by the State Government through M.A. No. 38 of 2018 is unjustified. It will be reasonable to direct the Chief Secretary to file statement in the form of affidavit detailing the steps taken till now to comply with the directions of the Tribunal relating to Rehabilitation Scheme and the said Scheme shall be finalised immediately. The affidavit shall be filed within two week from today after serving copy of the same to the all concerned. This order is relating to only Shri Mata Vaishno Devi and not to the other shrine.</p> <p>Accordingly, M.A. No. 38 of 2018 stands disposed of</p>
--	--	--

	<p>Item No. 10</p> <p>February 20, 2018</p> <p>ss</p>	<p>without any order as to costs.</p> <p><u>Main Matter</u></p> <p>Bring up this matter on 22nd March, 2018 for further proceedings.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
--	--	--

