



**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH JAMMU**

Dated: This day of 13th of July 2020

HON'BLE Dr. BHAGWAN SAHAI, MEMBER – A
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

O.A. No.062/00001/2020

Sameena Sheikh (Aged 37 years) W/o Qamar Rayees Khan
R/o Qamarwari Srinagar, Kashmir.

.....Applicant

By Advocate: Mr. Sheikh Manzoor

Versus

Union Territory of Jammu and Kashmir through

1. Principal Secretary to Government Department of Education Civil Secretariat Srinagar/Jammu.
2. Director, School Education Kashmir, Srinagar.
3. Chief Education Officer, Srinagar Kashmir.
4. Chief Education Officer, Kupwara, Kashmir.
5. Zonal Education Officer Batmaloo Srinagar, Kashmir.
6. Zonal Education Officer, Kralpora Kupwara, Kashmir.

.....Respondents

By Advocate: Mr. Amit Gupta, AAG

O R D E R (Oral)



Per Mr.Rakesh Sagar Jain, Member (J)

- 1) Case of applicant Sameena Sheikh is that vide order 12.04.2018 she was transferred from District Kupwara to District Srinagar on personal grounds. She filed a representation before the respondents, in August, 2018 (Annex VIII) for further deployment of her services at Srinagar which is still pending with the respondents. However, respondent ZEO Batmaloo has issued impugned circular dated 14.05.2020 directing all concerned to relieve the teachers whose period of transfer/deployment has expired so that they can join their substantive place of posting with immediate effect. Hence the present O.A. challenging the impugned circular. The applicant also seeks interim relief for maintaining status quo of her present position.
- 2) Respondents vide order dated 09.06.2020 were directed to file the counter affidavit within four weeks and the case was listed for 10.07.2020 for consideration of the interim relief. However, the counter affidavit was not filed. As per order dated 10.07.2020 no counter affidavit was received by the registry though it was submitted by the learned AAG that he had sent the same through e-mail. It was also submitted by learned counsel for the applicant that he had not received a copy of the counter affidavit. Therefore, learned AAG was



directed to verify whether counter affidavit has been filed or not. As per report of the Registry dated 13.07.2020, the counter affidavit was prepared on cam scanner which is an application banned by the Central Government and hence the counter affidavit was returned by the Registry to the respondents to file a fresh counter affidavit.

- 3) Thereafter, counter affidavit has not been filed even today. Learned counsel for applicant submitted that his prayer for interim relief be taken up for consideration in terms of order dated 09.06.2020. The O.A. was filed on 03.06.2020 and till date, respondents have not filed their counter affidavit, as such, the case is being taken up for deciding the question of interim relief.
- 4) During the course of arguments, learned counsel for applicant submitted that he would be satisfied if O.A. is disposed of with direction to respondents to consider and dispose of the representation filed by the applicant and till disposal of the representation, status quo be maintained insofar as the present position of the applicant is concerned.
- 5) The learned AAG seeks adjournment to file the counter affidavit. However, in these circumstances of the case, as discussed above, the OA is disposed of with a direction to the respondents to dispose of the representation filed by the applicant by tomorrow i.e. 15.07.2020, if not already disposed, by way of reasoned and speaking order with intimation to the applicant and till disposal of her



representation on 15.07.2020, applicant be not relieved from her posting in Srinagar, if not already relieved.

6) Copy of the order be sent to Mr. Amit Gupta, AAG by e-mail who shall further send the order by e-mail to the respondents. Mr. Amit Gupta, AAG shall also inform the respondents telephonically. The O.A. is accordingly, Disposed of.

7) Needless to say that we have not expressed any opinion on the merit of the case. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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