



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.62/428/2020

Friday, this the 14th day of August, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Fareed Ahmed Choudhary, Age 57 years,
S/o Sh. Wali Mohammed,
R/o Village Kalaban, Tehsil Mendhar District Poonch,
Srinagar,
I/c Chief Engineer under orders of transfer at MED Ladakh
(Group A) - Applicant

(Mr. Sheikh Shakeel Ahmed, Advocate)

Versus

1. Union Territory of J&K through
Its Principal Secretary
Public Works (R&B) Department,
Civil Secretariat, Srinagar
 2. Abdul Rashid Dar,
I/c Chief Engineer, MED, Kashmir
- Respondents

(Mr. Amit Gupta, AAG)

ORDER (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Fareed Ahmed Choudhary, son of Sh. Wali Mohammed, resident of Village Kalaban, Tehsil Mendhar District Poonch, has filed this OA on 06.08.2020, seeking setting aside of Government Order No.206-PW(R&B) of 2020 dated 22.07.2020 issued by respondent no.1, i.e., Principal Secretary, Public Works (R&B) Department, Civil Secretariat, Srinagar, transferring him from the post of Incharge Chief Engineer, MED Kashmir to Incharge Chief Engineer MED, Ladakh.

2. We have heard today the applicant's counsel, Mr. Sheikh Shakeel Ahmed and Mr. Amit Gupta, AAG on behalf of the respondents.

3. During arguments, the applicant's counsel submits that –

- (i) after his transfer by the impugned order dated 22.07.2020, the applicant has joined at the place of his new posting, but he is 57 years old and suffers from kidney illness because of which one of his kidneys has already been removed;
- (ii) he apprehends deterioration of his health due to his posting at Ladakh where even Tertiary Care Hospital is not available; and
- (iii) his representation dated 27.07.2020 has not yet been considered sympathetically and decided by the respondents.

4. The applicant's counsel submits that the applicant would be satisfied if this OA is disposed of at this stage with direction to the respondents to consider and decide his pending representation dated 27.07.2020 within a short period of time. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submissions of the counsels, this OA is disposed of at admission stage itself with direction to the respondents to consider the pending representation of the applicant dated 27.07.2020 as per provisions of relevant service rules and government instructions and decide it with a well reasoned and speaking order within two weeks from the date of receipt of a copy of this order. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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