

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

This the 18th day of August, 2020

OA No.62/470/2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahai, Member (A)**

Neelam Kumari, age 39 years,
W/o Sh. Pawan Kumar,
R/o Village Bagnoti,
Tehsil Nowshera District Rajouri.

...Applicant

(By advocate: Mr. Abhinav Sharma)

Versus

1. UT of Jammu and Kashmir
Through Secretary to J&K Govt.
School Education Department,
Civil Secretariat, Srinagar.
2. Director, School Education, Jammu.
3. Chief Education Officer, Rajouri.
4. Headmaster, Govt. High School,
Chakjarallan (Nowshera),
District Rajouri.

...Respondents

(By advocate: Mr. Rajesh Thapa)

ORDER (ORAL)

{As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman}

...

The applicant was appointed as a Teacher in Rajouri District. It is stated that on a representation made by her pleading grounds of illness, she has been deployed in an another unit in the same district in the year 2014. Recently the Government has taken a policy decision to ensure that the Teachers who are transferred to different units or districts are brought back to their original places of posting. In the process, the applicant was relieved from Govt. High School Chakjarallan, Nowshera, through order dated 18.07.2020. This OA is filed challenging the order dated 18.07.2020.

2. The applicant contends that her ailment which was the ground for deploying her at the institution at Chakjarallan, Nowshera, is still subsisting and there was no basis for the respondents to shift her to the place at which she was originally posted. Reliance is also placed upon an order passed by J&K

High Court in SWP Nos.134, 161 and 170 of 2015 dated 23.01.2015.

3. We heard Mr.Abhinav Sharma, learned counsel for the applicant and Mr.Rajesh Thapa, learned Senior Deputy Advocate General for the respondents.

4. By taking into account, the indiscriminate and large scale postings of teachers to other units of appointment/posting, recently the administration has taken a policy decision to ensure that the teachers who were deployed at other places or other districts are brought back to their original place of posting. A circular was issued in this behalf on 04.07.2020. Stating to be in compliance with the same, the applicant was relieved through order dated 18.07.2020 to enable her to report to the original place of posting.

5. The question as to whether the applicant was entitled to be transferred to a different place within the same district and if so, the duration there of, the question as to whether the applicant is suffering from any ailment warranting or shifting her from the original place of posting needs to be examined. We do not express any view in this behalf. The applicant can make a representation to the concerned authority, who in turn shall pass

an order within four weeks from the date of receipt of the copy of the representation.

6. We, therefore, dispose of this OA directing that it shall be open to the applicant to make a representation ventilating her grievance as regards posting. The competent authority shall pass orders within four weeks thereafter. The mere fact that the applicant was relieved from the existing place of posting shall not be treated as a factor against her. In case the applicant did not join her original place of posting, we grant her 15 days time to report to the concerned institution.

7. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN