

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

Tuesday, this the 18th day of August, 2020

OA No.62/452/2020

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

Gulshan Ara, age 40 years,
W/o Ghulam Nabi Wani,
R/o Garoora Bandipora,
At present Shalteng Srinagar,

...Applicant

(By advocate: Mr. Bhat Fayaz Ahmad)

Versus

1. UT of J&K through
Commissioner/Secretary to Govt.
Education Department, Civil Secretariat,
Jammu/Srinagar.
Email ID: www.jkeducation.gov.in
2. Director School Education, Kashmir, Srinagar.
Email ID: www.dired@nic.in
3. Chief Education Officer, Srinagar
Email ID: ceosgr@gmail.com
4. Zonal Education Officer Batmaloo
Email ID : zeobatmol@gmail.com

(By advocate: Mr. Amit Gupta)

...Respondents

ORAL ORDER

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



The applicant was appointed as Teacher and posted at Bandipura District. On a request made by her mentioning health grounds of her minor daughter, she was transferred to Srinagar through an order dated 22.06.2016. It is stated to have been extended through an order dated 06.03.2018.

2. As a general policy, the respondents have decided to restore the deployment of the teachers to their original places of posting. The applicant contends that once the Government had extended her transfer to Srinagar until further orders, there was no basis for the respondents to transfer her to Bandipura District.

3. Heard Mr.Bhat Fayaz Ahmad, learned counsel for the applicant and Mr.Amit Gupta, learned counsel for the respondents.

4. It is no doubt true that the applicant who was appointed as a Teacher in GMS Asham in Bandipura District was transferred on the health grounds of her daughter to Srinagar in the year 2016. The fact however remains that the respondents have taken a general policy decision to restore the teachers to their original places of posting. This appears to be on account of the fact that quite large number of teachers were transferred outside their units of posting. This is not a case where any individual has picked for redeployment.



5. The applicant contends that she made a representation to the concerned authority for continuing her at Srinagar for some more time citing the illness of her daughter. It is for the concerned authority to take a decision. We cannot single out the applicant, in the context of the implementation of the policy decision. At the same time the representation of the applicant needs to be considered.

6. We, therefore, dispose of the OA directing that the respondents shall pass orders on the representation submitted by the applicant within a period of four weeks from today. In case the applicant has not been relieved as yet, she shall be continued at that place for a period of four weeks. Further steps would depend upon the nature of the decision, which the respondents may take on the representation. We make it clear that if the applicant had already been relieved, the direction as to continuing her in the same place would not be effective.

7. There shall be no order as to costs.

(DR. BHAGWAN SAHAI)
MEMBER (ADMN)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN