

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JAMMU BENCH, JAMMU**

**Hearing through video conferencing**

**T.A.No. 62/1159/2020**  
**(SWP.No.181/2019)**

**Tuesday, this the 27<sup>th</sup> day of October, 2020**

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed Member (A)**

Fida Hussain, aged 52 yrs., S/o. Akhone Mohd. Hussain,  
R/o Youkma Kharboo, Kargil.

..... **Applicant**

**(By Advocate : Mr. Raja Faisal Malik)**

**V e r s u s**

1. State through Executive Councilor, LADHC Kargil.
2. Chief Educational Officer, Kargil.
3. Zonal Educational Officer, Youkma, Kharboo, Kargil.
4. Mohammad Ibrahim, Orderly, HSS, Chitkan, Kargil.

..... **Respondents**

**(By Advocate : Mr. Sudesh Mogtra, DAG)**

**O R D E R (Oral)**

**Justice L. Narasimha Reddy, Chairman**

The applicant is working as an orderly, in the Education Department of the erstwhile Government of Jammu & Kashmir, and he was in the administrative control of the Chief Education Officer, Kargil. He was transferred from Government Higher Secondary School, Shakar, to Government Higher Secondary School, Yokma, Kharboo, through order dated 04.12.2018. It is stated that the applicant has since joined that place. However, the Chief Education Officer, Kargil, passed an order dated 28.12.2018, retaining the 4<sup>th</sup> respondent at Yokma, Kharboo, till further orders. According to the applicant, there is only one post of orderly at that school and if the 4<sup>th</sup> respondent is retained, it would not be possible for him to work. With this grievance, he filed SWP.No.181/2019 before the Hon'ble High Court of Jammu & Kashmir. The same has since been transferred to this Tribunal and renumbered as TA.No.1159/2020.

2. There is no representation for the Applicant. We heard Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

3. Once the applicant was transferred to an Institution at Yokma, Kharboo, the respondents were under obligation to ensure that he is not disturbed. Though the applicant contends that on account of the order dated 28.12.2018 passed by the 2<sup>nd</sup> respondent, the 4<sup>th</sup> respondent was retained at that place, he did not prove that his working at that Institution is hampered in any manner. At any rate, it is the duty of the 2<sup>nd</sup> respondent to ensure that the order of transfer of the applicant is not rendered ineffective.

4. We, therefore, dispose of this TA directing the 2<sup>nd</sup> respondent to ensure that the order of transfer dated 04.12.2018, transferring the applicant to GHSS Yokma, Kharboo, is not disturbed in any manner, and the applicant functions at the place without any disturbance. There shall be no order as to costs.

**(MOHD. JAMSHED)**  
**MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

DSN

