

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.62/1161/2020
(SWP.No.1078/2016)

Wednesday, this the 28th day of October, 2020

(Through Video Conferencing)

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

Farooq Ahmad Khanday, aged 51 yrs.,
S/o. Abdul Salam Khanday, R/o. Barsoo Pulwama Kashmir.

.....Applicant

(Advocate: Mr. G.Q. Bhat)

Versus

1. State of J&K, through Commissioner/Secretary to Govt. PWD (R&B) Department Civil Sectt., Srinagar/Jammu.
2. Commr/Secretary to Govt. Housing & Urban Development Department, Civil Sectt. Srinagar/Jammu.
3. Director Urban Local-Bodies, Kashmir-Srinagar.
4. Executive Engineer Urban Local Bodies Habitat Centre, Bemina, Srinagar.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, DAG)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Assistant Executive Engineer, Sub-Division North of Urban Local Bodies, Kashmir, and was posted in the South Region. Through an order dated 16.05.2016, 02 Assistant Engineers and 13 Junior Engineers were posted to various places. The applicant was posted in Sub-Division North. He filed SWP.No.1078/2016, challenging the order of posting. According to him, the posting from South Sub-Division to North Sub-Division was impermissible and at any rate the Executive Engineer, Urban Local Bodies, Kashmir, does not have jurisdiction to do so. Certain other contentions were also urged.

2. The Hon'ble High Court was placed to stay the operation of the order to the extent it pertains to the applicant on 20.05.2016. The Writ Petition has since been transferred to this Tribunal consequent upon the re-organization of the State of Jammu & Kashmir and re-numbered as TA.No.1161/2020.

3. Today, the matter is listed for hearing through video conferencing. The learned counsel for the Applicant expressed some difficulty in entering appearance. We perused the record and heard Sri Sudesh Magotra, learned Dy. Advocate General, for the Respondents.

4. The transfer was ordered way back on 16.05.2016. The purpose mentioned therein was to have proper supervision of some projects/works under Central and State sponsored schemes. The same situation may not prevail now. If the shifting of the applicant becomes necessary, at this stage, the concerned authority needs to pass appropriate orders. The applicant cannot stay continuously at the same place. However, the transfer order, if needed, must be passed by the competent authority alone.

5. The OA is, therefore, disposed of with a direction that it shall be open to the competent authority to pass orders of posting or transfer of the applicant in accordance with law. There shall be no orders as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 28, 2020

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