

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.62/1160/2020
(SWP.No.1416/2016)

Wednesday, this the 28th day of October, 2020

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

(Through Video Conferencing)

Dr. Rubeena Kounsar, age 43 years,
W/o. Dr. Shoket M. Chowdhary,
R/o. C-7, Medical Enclave, near KC Theatre,
Jammu, Blood Transfusion Officer,
Government Medical College, Jammu,
At present, Chadoora, Budgam.

.....Applicant

(Advocate: Mr. Sheikh Mushtaq)

Versus

1. State of J&K through Commissioner/Secretary,
Health and Medical Education Department,
Civil Secretariat, Srinagar.
2. Principal, Government Medical College, Jammu.
3. Director Health Services, Jammu.
4. Sh. Bali Bhagat, Hon'ble Minister for Health and
Medical Education, State of J&K.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, DAG)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Assistant Surgeon/Medical Officer in the Health Department of Jammu & Kashmir in 2005. With effect from 24.10.2014, She came on deputation to the Government Hospital, Sarwal, as Blood Transfusion Officer in Government Medical College, Jammu. Through an order dated 08.07.2016, as many as 65 medical officers were transferred to various places. The applicant was one among them. She filed SWP.No.1416/2016 challenging the order of transfer.

2. Heard Mr.Sheikh Mushtaq, learned counsel for the Applicant and Mr.Sudesh Magotra, learned Dy.Advocate General, for the Respondents.

3. The main grievance of the applicant was that the transfer was made even before she completed two years of deputation period. The Hon'ble High Court was pleased to stay the operation of the order, to the extent it relates to the applicant. The Writ Petition has since been transferred to this Tribunal in view of the re-organization of the State of Jammu & Kashmir and the same is renumbered as TA.No.1160/2020.

4. Today, we heard Mr.Sheikh Mushtaq, learned counsel for the Applicant and Mr.Sudesh Magotra, learned standing counsel for the Respondents.

5. Learned counsel for the Applicant submits that he could not contact his client for quite some time.

6. The grievance of the applicant was that the transfer was effected even before she completed the two years deputation period. More than 4 years have elapsed since the Writ Petition was filed and an interim order was passed. Therefore, nothing remains to be decided in this TA. The TA is accordingly dismissed as infructuous. In case, the applicant is working at the same place on the strength of the interim order, it shall be open to the respondents to pass appropriate orders of transfer of the applicant. There shall be no orders as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 28, 2020

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