

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.62/2551/2020
(SWP.No.894/2016)

Dated, this the 27th day of October, 2020

(Through Video Conferencing)

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

Abdul Rashid Rather, S/o Assadullah Rather, R/o Wagam,
Chadoora District Budgam, age 47 years.

...Applicant

(Mr.Shuja Ul Haq, Advocate)

Versus

1. State of J & K through Commissioner Secretary to Finance Department, Civil Secretariat, Srinagar/Jammu.
2. Director General, J & K Fund Organization, Jammu/Srinagar.
3. Deputy Director J & K Funds Organization.
4. J & K Joint Director J & K Fund Organization Srinagar, Kashmir.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Compiler in the Joint Director Foundation Organization, Kashmir, and was posted in State Life Insurance (SLI) Srinagar. Through an order dated 20.04.2016, he was transferred on administrative grounds, to Ladakh (District Fund Office, Kargil), as Compiler. He filed SWP.No.894/2016, before the Hon'ble High Court of Jammu & Kashmir, challenging the order of transfer. He stated that the transfer was made from one District to another without any basis and contrary to the existing guidelines. It was also stated that the applicant has already completed his mandatory stay in Ladakh Division in the year 2006 itself and there was no basis for the respondents to post him in the same Division once again.

2. Several other grounds are also urged.

3. While the Hon'ble High Court passed an interim order dated 27.04.2016, staying the operation of the order of transfer. The record discloses that no counter affidavit is filed by the respondents in the SWP.

4. Today, the case is listed before us. There is no representation on behalf of the Applicant. Heard Mr.Rajesh Thapa, learned Dy. Advocate General, for the Respondents.

5. The challenge in the Writ Petition was to the order dated 20.04.2016, and the Hon'ble High Court stayed the operation of the same. The result is that the applicant continued to work as Compiler in SIS Nagar. More than 4 years have elapsed ever since the interim order was passed.

6. For all practical purposes, the order of transfer has become redundant. The respondents need to pass fresh orders as regards the posting of the applicant in accordance with law.

7. The TA is accordingly disposed of leaving it open to the respondents to pass fresh orders posting and transferring the applicant in accordance with law. There shall be no orders as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 27, 2020

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