

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A./62/3981/2020

This the 20th day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Dr. Noor Ul Haq Aged 45 years, S/o Late Abdul Qadeer, R/o Umerabad
Srinagar.

.....Applicant

(Advocate: Mr. Parvaiz Nazir)

Versus

1. State of Jammu & Kashmir through Commissioner Secretary to Health and Medical Education Department Civil Sectt. Jammu/Srinagar.
2. District Development Commissioner, Budgam.
3. Chief Medical Officer Budgam.
4. Zonal Medical Officer, primary health Centre, Narbal.
5. Block Medical Officer, Magam

.....Respondents

(Advocate:- Mr. Amit Gupta, Additional Advocate General)



ORAL ORDER**{By Hon'ble Sri Justice L. Narasimha Reddy, Chairman}**

The applicant is working as Medical Officer (ISM under NHM) and was posted at Primary Health Centre, Narbal. Through an order dt 12.07.2017, the Zonal Medical Officer relieved the applicant by alleging that he did not respond to the calls of the 4th respondent, nor did he follow the commands from the Block Medical Officer, Magam. Feeling aggrieved by the orders dt. 12.07.2017, the applicant filed SWP No. 1358/2017 before the Hon'ble High Court of Jammu and Kashmir at Srinagar. An interim order was passed on 19.07.2017.

2. The Writ Petition has since been transferred to the Tribunal in view of re-organization of the State of Jammu and Kashmir and renumbered as TA No. 3981/2020.

3. Today, we heard learned counsel for the applicant and Sri Amit Gupta, learned Addl. Advocate General for the respondents.

4. No counter affidavit is filed on behalf of the respondents.

5. A perusal of the impugned order discloses that the Zonal Medical Officer i.e. Respondent No.4 relieved the applicant and required him to report to the Chief Medical Officer i.e. 3rd respondent. The reasons stated in the impugned order that the applicant did not respond to certain calls of the 4th respondent and that he did not obey the commands from the Block Medical Officer, Magam. Even if what is alleged against the applicant is true, the question of relieving would have arisen, if only, he is transferred by competent authority. There is no reference to any order of transfer. Further, the Zonal Officer is not the competent authority to transfer the applicant, much less to relieve him.

6. TA is accordingly allowed and the impugned order is set aside. It shall be open to the competent authority to pass appropriate orders duly taking into account the facts mentioned in the impugned order.

7. There shall be no order as to costs.

A.K. BISHNOI
MEMBER (ADMN.)

JUSTICE L. NARASIMHA REDDY
CHAIRMAN

/evr/