



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.062/96/2020
M.A. No.062/37/2020
M.A.No.062/38/2020

Monday, this the 29th day of June, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

1. Sikander Ahmad Yatoo
Aged about 40 years
s/o Ghulam Mohammad Yatoo
R/o Yadipora Pattan Baramulla
Kashmir Pin 193121
2. Nissar Hussain Malla
Age about 47 years
s/o Abdul Qasim Malla
r/o Sonium Kunzar Baramulla, Kashmi, Pin 193121
3. Nazir Ahmad War
Aged about 50 years
s/o late Abdul Samad War
r/o Warpora Dangerpora Sopore Baramulla,
Kashmir Pin 193201

..Applicants

(Mr. Syed Sajad Geelani, Advocate)

Versus

1. Union Territory of J & K through
Commissioner / Secretary to Govt
Health and Medical Education Department
Civil Secretariat, Jammu/Srinagar
2. Director, Sher-I-Kashmir Institute of Medical
Sciences (SKIMS) Soura Srinagar, Kashmir
3. Medical Superintendent, Sher-I-Kashmir Institute of Medical
Sciences (SKIMS) Soura Srinagar, Kashmir
4. Office Incharge CSSD (Central Sterile Service Department)
SKIMS Soura Srinagar, Kashmir

5. Officer Incharge O T Gynaecology & Obstetrics
Department, SKIMS, Soura Srinagar, Kashmir
(Mr. Sudesh Magotra, Deputy Advocate General) ..Respondents

O R D E R (ORAL)

Dr. Bhagwan Sahai, Member (A):

1. M.A. No.062/37/2020

This M.A. filed by the applicants seeking permission to join all of them in the present single O.A. is allowed.

2. O.A. No.062/96/2020

Mr. Sikander Ahmad Yatoo, Mr. Nissar Hussain Malla and Mr. Nazir Ahmad War, have filed this O.A. on 25.06.2020. They seek direction to the respondents to set aside the impugned order dated 13.05.2020, by which rotation transfer and posting orders of the applicants have been issued for three months, to take effect from 16.06.2020 to 15.09.2020 for applicant No.1, from 16.09.2020 to 15.12.2020 for applicant No.2 and from 16.12.2020 to 15.03.2021 for applicant No.3. They also seek direction to the respondents to consider their cases on the basis of their representation dated 27.05.2020.

3. We have heard today Mr. Syed Sajad Geelani, applicants' counsel and Mr. Sudesh Magotra, DAG for respondents.

4. In the O.A. and during the arguments of their counsel, the applicants contend that they have been working as CSSD Assistants and their jobs consist of washing/ cleaning/ mopping

of instrument, loading and unloading of auto-clave, linen exchange from laundry, collection of supplies from central stores, ward distribution, collection and distribution of supplies to polyclinic areas, other ancillary works, dressing material preparation, sorting of contaminated instruments and receipt/issuance counter, etc. in the Department of Central Sterile Service Department (CSSD), SKIMS Soura, Srinagar, Kashmir, but by the impugned transfer order, the respondents have asked them to work in the operation theatre of Gynaecology and Obstetrics Department, which involves activities different from what they are doing at present. The work in the Gynaecology and Obstetrics Department, SKIMS Soura, Srinagar, Kashmir, where they have been asked to work for three months each, is, in fact, a job of technical nature in which they are not skilled.

5. They have submitted a representation on 27.05.2020 to In-charge, CSSD, SKIMS, Soura, Srinagar, Kashmir to withdraw the impugned transfer order as they will not be able to do job of the technical post, against which they have been asked to work. However, that representation has not been decided by the respondents.

6. During arguments, applicants' counsel submitted that the applicants would be satisfied if this O.A. is disposed of at this stage with direction to the respondents to decide their pending representation.

7. In view of these submissions, present O.A. is disposed of at admission stage itself with direction to the respondents to decide the applicants' representation dated 27.05.2020 by passing a well-reasoned and speaking order within three weeks from the date of receipt of a copy of this order and communicate it to the applicants. No costs.

8. **M.A. No.062/38/2020**

In view of the aforesaid order, this M.A has become infructuous. It is accordingly disposed of.

(Rakesh Sagar Jain)
Member (J)

June 29, 2020
/sunil/

(Dr. Bhagwan Sahai)
Member (A)