



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.4762/2020
(S.W.P. No.1663/2013)

Monday, this the 11th day of January, 2021

(Through Video Conferencing)

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

Irshad Ahmad Malik (Aged: 32 years) S/o Mohammad Ashraf Malik, R/o Asnoor, Kulgam

..Applicant

(Nemo for applicant)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Govt. Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director, School Education Kashmir, Srinagar.
3. Chief Education Officer, Kulgam.
4. Zonal Education Officer, Kulgam.
5. Headmaster, Govt. Middle School Gundi Kashim (Mahagund).
6. Gulzar Ahmad Dar, S/o Mohammad Khalil Dar, R/o Ashmuji, Kulgam, Additional Deputy Commissioner, Kulgam.

..Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Government Teacher in the Kulgam District. Through an order dated 21.08.2013, the Chief

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Education Officer, Kulgam transferred him from Middle School Gundi Hashim (Mahagund) to High School Yaroo. It was on the recommendations made by the Additional Deputy Commissioner. Feeling aggrieved by that, the applicant filed SWP No.1663/2013 before the Hon'ble High Court of Jammu & Kashmir. On 06.09.2013, the Hon'ble High Court passed an interim order directing that in case the transfer was not acted upon, there shall be a stay. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and registered as T.A. No.4762/2020.

2. Today, we heard Mr. Rajesh Thapa, learned Deputy Advocate General, through video conferencing. There is no representation on behalf of the applicant.

3. The transfer took place way back in the year 2013. The stay granted by the Hon'ble High Court was conditional. It is not known whether the applicant has got any benefit out of said order. Even otherwise, eight years have lapsed ever since the order was stayed. The respondents need to examine the issue afresh in the context of posting the applicant, in accordance with the transfer policy.

4. We, therefore, dispose of the T.A. leaving it open to the respondents to pass order of posting/transfer in case the

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applicant was continuing on the same place on the basis of the interim order.



There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 11, 2021

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