

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**



Hearing through video conferencing

T.A.62/5292/2020 (SWP.No.1218/2017)

This the 27th day of November, 2020

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

Dr. Syed Suhail Amin, age 42 years, S/o Syed Muhammad
Amin, R/o Ahmad Nagar, Srinagar.

.....Applicant

(Advocate: Mr. A Hannan for M/s Zaffar)

Versus

1. State of Jammu and Kashmir, Through
Commissioner/Secretary to Government, Health and Medical
Education Department, Civil Secretariat, Srinagar.
2. Director Health Service, Kashmir, J&K Government, Old
Secretariat, Srinagar.
3. Dr. Shazia, Dental Surgeon, District Hospital, Budgam.

.....Respondents

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

ORDER
[O R A L]

Justice L. Narasimha Reddy, Chairman:

The applicant is working as Dental Surgeon in the Directorate of Health Service, Kashmir. Through an order dated 16.06.2017, he was transferred from SDH Ganderbal to PHC Utter Pora Budgam. Challenging the same, the applicant filed SWP No. 1218 of 2012 before the Hon'ble High Court of Jammu and Kashmir. He pleaded that the order of transfer was passed only to accommodate the second respondent herein. It is stated that the mother of the applicant was suffering from malignancy, and that he was transferred from Ganderbal, within short time after his posting.

2. The respondents filed detailed counter reply as well as an application to vacate the interim order. They contend that the transfer of the applicant became necessary due to administrative exigencies and various grounds pleaded by the applicant are untenable. The plea that the transfer was effected to accommodate the 2nd respondent is denied.

3. The SWP has since been transferred to this Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as TA.No.5292/2020.

4. We heard Mr. A Hannan for M/s Zaffar, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General, for the Respondents.

5. The subject matter of the T.A. is an order of transfer, which was passed way back on 16.06.2017. Nearly, three and a half years have elapsed. Whatever be the circumstances under which the order of transfer was passed or the interim stay was granted by the Hon'ble High Court, the situation has substantially changed and the applicant can be said to have got the benefit of the full term of stay at Ganderbal. Now, the respondents have to take a decision as regards the posting of the applicant in accordance with the extant policy.

6. The T.A. is accordingly disposed of leaving it open to the administration to pass orders of posting of the applicant in accordance with the extant policy. The interim order shall stand vacated. There shall be no order as to costs.

(A.K. BISHNOI)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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