

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.62/5519/2020(SWP.No.1246/2015)



This the 27th day of November, 2020

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

Haseena Bano, aged about 42 years, W/o: Sajad Ahmad Khan,  
R/o: Rose Avenue Colony, Zainakote (HMT).

.....Applicant  
(Advocate: Mr. M.I. Qadri)

**Versus**

1. State of Jammu & Kashmir through Commissioner/Secretary to Government, School Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director School Education, Kashmir Srinagar.
3. Chief Education officer, Srinagar.
4. Zonal Education Officer, Batamaloo.
5. Zonal Education officer, Khumriyal, Lolab, Kupwara.

.....Respondents  
(Advocate:- Mr. Sudesh Magotra, Deputy Advocate General)

**O R D E R**  
**[O R A L]**

**Justice L. Narasimha Reddy, Chairman:**

The applicant was appointed as Teacher in Kupwara District of Jammu & Kashmir. On a representation made by her mentioning threat perception from the militants, she was posted in an institution at Srinagar. Through orders dated 25.05.2015, the Joint Director, School Education Department, has taken a general decision to shift the Teachers to the place of their original appointment/posting. The applicant was also shifted to her native District. Challenging the same, the applicant filed SWP No. 1246 of 2015, before the Hon'ble High Court of Jammu and Kashmir. The Hon'ble High Court passed an interim order on 24.06.2015. On the strength of the interim order, the applicant is continuing in an institution at Srinagar.

2. The SWP has since been transferred to this Tribunal in view of reorganization of State of Jammu and Kashmir, and renumbered as T.A. No. 62/5519/2020.

3. The respondents filed a reply stating that the applicant was shifted from Kupwara District in the year 2002 and ever since then, she is working at Srinagar. It is stated that the services of the applicant are very much needed in the unit of her appointment and if there exists any threat perception, the same can be brought to the notice of Police Commissionerate.

4. Today, we heard Mr. M.I. Qadri, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

5. The applicant was shifted to Srinagar way back in the year 2002 on the ground of threat perception. The Government reviewed the case of such transfers and decided to repatriate all such employees to the original place of appointment in the year 2015. Accepting the contention of the applicant, the Hon'ble High Court passed an interim order. Half a decade had elapsed ever since then. One cannot expect the situation to remain same, as it existed in the year 2002 or 2015. It is the duty of the State to protect every citizen including the employees. If the applicant is still facing any threat, the same can be taken note of.

6. We, therefore, dispose of the TA directing that it shall be open to the respondents to pass fresh orders of posting of the applicant duly taking into account, all the factors of threat, if any. There shall be no order as to costs.

**(A.K. BISHNOI)  
MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)  
CHAIRMAN**

**Dsn**