

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.62/5589/2020 (SWP.No.2420/2015)



This the 27th day of November, 2020

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

Mudasir Shabir (Age: 30 Years) S/o Shabir Ahmad Bhat R/o
Watlar, District Ganderbal.

.....Applicant

(Advocate: Mr. Ahmad Javid)

Versus

1. State of J&K through Commissioner/Secretary Govt. Revenue Department Civil Secretariat Jammu/Srinagar
2. Financial Commissioner, (Revenue), J&K Srinagar.
3. Deputy Commissioner, Jammu.
4. Deputy Commissioner, Anantnag.

.....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 working as Patwari in the Revenue Department of Jammu and Kashmir. His appointment was in the District cadre of Ganderbal. On a common request made by the applicant and Fahiza Bukhari for mutual transfer, the applicant is posted at Anantnag and Fahiza Bukhari, at Jammu. Through an order dated 12.10.2015, the Secretary to Government, directed that the Patwaris be shifted to the Districts in which they have been appointed. Challenging the same, the applicant filed SWP No. 2420/2015 before the Hon'ble High Court of Jammu and Kashmir. An interim order was passed on 05.11.2015 by the Hon'ble High Court directing that the applicant shall continue to work at Anantnag and Fahiz Bukhari at Jammu.

2. The Writ Petition has since been transferred to this Tribunal in view of reorganization of State of Jammu and Kashmir and renumbered as T.A. No. 62/5589/2020.

3. Today, we heard Mr. Ahmad Javid, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

4. The effort of the Government was to ensure that the Patwaris appointed in a particular District, continue to work in the same unit of appointment and not in other units. The Hon'ble High Court stayed

the operation of the order and the applicant is continuing in the same place of posting for the past 5 years. Assuming that the mutual transfer of the applicant was on account of any impending necessity or problem, the situation cannot remain forever.

5. We, therefore, dismiss the TA and vacate the interim order. It shall be open to the respondents to pass fresh orders of posting of the applicant.

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

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

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