

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH JAMMU
(HEARING THROUGH VIDEO CONFERENCING)**

SI. No. 2

O.A. No. 62/1147/2020

Dated: 03.12.2020

**HON'BLE SMT. MANULA DAS, MEMBER (J)
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**

Haneefa Bano, Age 56 years
W/o Late Farooq Ahmad
R/o Humhama, Budgam.

... Applicant

By Advocates: Nisar Ahmad

-Versus-

1. Government of Jammu and Kashmir
Through Commissioner/Secretary
Education Department
Civil Secretariat, Jammu, Srinagar.
2. Director, School Education
Kashmir, Srinagar.

3. Chief Education Officer, Srinagar.
4. Zonal Education Officer
Batamaloo, Srinagar.
5. Zonal Education Officer, Rajwar
Handwara, Kupwara.
6. Headmaster
Government Girls Middle School
Amira Kadal, Srinagar.

..... Respondents

By Advocates: Sri Sudesh Magotra, Dy. AG

ORDER (ORAL)

MANJULA DAS, MEMBER (J)

This O.A. has been taken up through video conferencing.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking for the following reliefs:-

"8. In the premises, it is, therefore, prayed that the Circular No. ZEO/B/4551 dated 27th of July, 2020, issued by non-applicant No. 4, insofar as it pertains to the applicant, be set aside and the non-applicants be directed to allow the applicant to discharge her duties at the present place of posting in Srinagar, i.e., in Government Girls Middle School, Amira Kadal, Srinagar, in accordance with the recommendations of the Standing Medical Board constituted by the non-applicants on the directions passed by the Hon'ble High Court. Any other order of direction which this Hon'ble Tribunal deems fit and proper, in the attending facts and circumstances of the case, may also be passed in favour of the applicant and against the non-applicants."

3. Sri Nisar Ahmad, learned counsel appearing for the applicant submitted that the applicant is highly aggrieved with the Circular No. ZEO/B/4551 dated 27th July, 2020 issued by the Zonal Education Officer, Batamaloo, Srinagar whereby she has been directed detachment of Teachers posting in her zone, including the applicant without considering the fact that the

Standing Medical Board had been constituted and opined that the applicant needs to be posted in Srinagar as she needs regular treatment and check-up at Psychiatric Hospital, Srinagar. According to the learned counsel, despite medical opinion as given by the Medical Board pursuant to the directions of the Hon'ble High Court on 07.07.2018 in SWP No. 147 of 2015, the respondent No. 4 is trying to implement the aforesaid circular in the case of the applicant as well. Against the Circular dated 27th July, 2020, applicant made a representation before the respondent authorities in the month of August, 2020 and the same is pending.

4. Learned counsel fairly submitted that let a direction be issued to the respondent authorities

to consider the facts narrated in the representation made in the month of August 2020 and dispose of it within a time frame and till then, applicant shall not be disturbed from her present place of posting.

5. On the other hand, Sri Sudesh Magotra, Dy. AG appearing for the respondents submitted that he has no objection if the pending representation made by the applicant on August 2020 shall be disposed of by the competent authorities within a time frame.

6. By accepting the prayer made by the learned counsel for the applicant and as suggested by the learned counsel for the respondents, without expressing any opinion on merit, we hereby direct the competent authorities to take a final decision into the representation by

disposing of it and pass a reasoned and speaking order within a period of two months' from the date of receipt of a copy of this order.

7. It is made clear that whatever decision to be passed by the competent authorities shall be communicated to the applicant forthwith.

8. Till such time, applicant shall not be disturbed from her present place of posting.

9. With the above directions, O.A. stands disposed of at the admission stage. No costs.

(MOHD. JAMSHED)
MEMBER (A)

(SMT. MANJULA DAS)
MEMBER (J)