



**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH JAMMU**

Dated: This day 21st of July 2020

(Orders reserved on 17th of July, 2020)

HON'BLE Dr. BHAGWAN SAHAI, MEMBER – A
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

O.A. No.061/00229/2020

Rita Devi, age 54 years, W/o Roshan Lal Sen, R/o Village Tund,
Tehsil and District Kishtwar.

.....Applicant

By Advocate: Mr. Bari Abdulla

Versus

1. U.T. of J & K through Commissioner/Secretary, School Education Department, Civ Secretariat Srinagar.
2. Director School Education, Jammu.
3. Chief Education Officer, Kishtwar.
4. Zonal Education Officer, Kishtwar, Tehsil and District Kishtwar.

.....Respondents

By Advocate: Mr. Rajesh Kumar Thapa, DAG

ORDER

Per Mr.Rakesh Sagar Jain, Member (J)

1. Applicant Rita Devi has filed the present O.A. seeking quashing of order dated 12.06.2020 (Annex-A) whereby she has been relieved from her present place of posting i.e. UPS Seman Kadal, Kishtwar with immediate effect.



2. It is the case of the applicant that she was on medical leave when the impugned order was passed by Respondent No. 4 transferring her to MS Kuriya. It is further case of the applicant that on receipt of the impugned order, she filed a representation (Annex-D) before the respondents to cancel the transfer order and to allow her to continue at UPS Seman Kadal on medical grounds, which is pending consideration as no decision has been communicated to her till date. Hence the present O.A. challenging the impugned order on a number of grounds. The applicant also seeks interim relief that pending adjudication of the O.A., the respondents be directed to allow her to continue at UPS Seman Kadal, Kishtwar.

3. During the course of arguments, learned counsel for the applicant submitted that the O.A. may be disposed of with a direction to the respondents to consider and dispose of the applicant's representation (Annex-D) on medical ground, after getting her medically examined. However, learned DAG seeks time to file counter affidavit.

4. Considering to the limited prayer of the applicant, the O.A. is disposed of by directing the respondents to consider and



dispose of her representation by way of a reasoned and speaking order within a period of one month from the date of receipt of an e-mail copy of this order, with intimation to the applicant. Time limit of one month is given to enable the respondents to get the applicant medically examined before disposing of her representation since her plea for relief in the O.A. is based upon her medical condition.

5. Since the applicant has averred in the O.A. that she has already been relieved from UPS Seman Kadal, therefore, prayer of the applicant for interim relief to continue at this place till the disposal of the O.A. cannot be accepted.
6. Registry is directed to send a copy of this order by e-mail to the learned DAG today itself who shall forward the order by e-mail immediately to respondents for necessary action. Registry to issue certified copy of this order to the parties under Rules. O.A. and M.A. are disposed of accordingly.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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