

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

Tuesday, this the 18th day of August, 2020

OA No.61/459/2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahal, Member (A)**

Altaf Ahmad Mir, aged about 43 years,
S/o Ab. Ahad Mir, R/o Shalpora Redbugha
Tehsil Dragmulla, District Upwara 193222.
Place of employment: X-Ray Technician SDH Tanghdar.

(By advocate: Mr. Mansoor Ahmad Mir) **...Applicant**

Versus

1. Union Territory of Jammu and Kashmir through Commissioner/Secretary to Govt. Health and Medical Education Department, Civil Secretariat, Jammu/Srinagar-190001.
2. Director, Health Services Kashmir, Srinagar, Kashmir 2nd Floor, Block A, Old Secretariat, Srinagar 190010.
3. Mission Director National Rural Health Mission (NRHM) J&K Housing Board Complex Chanpora, Srinagar 190010.
4. District Development Commissioner/Chairman District Health Society Kupwar Pin-code 193222.
5. Convener District Health Society/Chief Medical Officer Kupwara, Pin-code 193222.

...Respondents
(By advocate: Mr. Amit Gupta)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicant was appointed as X-Ray Technician under the National Health Mission in the Sub District Hospital, Tanghdar in the year 2010. On a request made by the applicant and another similar employee from SDH, Sogam, mutual transfer was effected. However, the one who came in the place of the applicant resigned and went away. In view of this development, the applicant was brought back to SDM, Tanghdar.

2. The applicant states that though the Chief Medical Officer made an endorsement on 29.11.2017 to the effect that the post at SDH, Tanghdar may be treated as vacant and the applicant can be retained at SDH, Sogam, the necessary steps have not been taken. The applicant made a request to post him at a nearby place for his treatment.



3. We heard Mr. Mansoor Ahmad Mir, learned counsel for the applicant and Mr. Amit Gupta, learned counsel for the respondents at the stage of admission.

4. It is not in dispute that the appointment of the applicant was at SDH, Tangdar. It is a non-transferrable post. Obviously for that reason the applicant had to identify a similar person from a different unit for mutual transfer. Accordingly he was transferred to SDH, Sogam.

5. Unfortunately for the applicant, his counterpart who came from Sogam resigned to the post. The result was that the post of X-Ray Technician at SDH, Sogam became vacant. Naturally the applicant had to be brought to his original place of appointment.

6. As the things stand now the request of the applicant for posting him at Sogam cannot be acceded to. However, if there is a possibility for accommodating the applicant against a vacant

post for a limited period, to enable him to undergo treatment, the same can be considered.

7. We, therefore, dispose of this OA directing the respondents to pass appropriate orders on the representation made by the applicant within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(DR.BHAGWAN SAHAI)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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