



CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH JAMMU

Dated: This day of 08th of July 2020

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

**O.A. No. 061/00010/2020 &
MA No. 061/00080/2020**

Anupma Sharma, aged 38 years, W/o Shri Rajeshwar Basotra, Sr. Prosecuting Officer, Office of Inspector General of Police, Jammu, R/o H. No. 138, Sector 1, Gangyal, Jammu.

.....Applicant

By Advocate: Mr. Pranav Kohli

Versus

1. Union Territory of Jammu and Kashmir through Commissioner-cum-Secretary to Government School Education Department, Civil Secretariat, J & K Jammu.
2. Director, School Education, Muthi, Jammu.
3. Chief Education Officer, Jammu.
4. Zonal Education Officer, Satwari Zone, Satwari, Jammu.

.....Respondents

By Advocate: Mr. Amit Gupta, AAG

O R D E R (Oral)

Per Mr. Rakesh Sagar Jain, Member (J)

1. Applicant Ms. Anupama Sharma has filed the present OA averring therein that she was appointed as a General Line Teacher in 2013 in her parent District Kathua. Due to her medical condition and various other factors, she was



transferred from Kathua to Jammu District on 31.08.2017 for a period of two years. Thereafter, she underwent surgery in June 2019. Since her transfer was for a limited period, she filed a representation dated 15.07.2019 seeking extension of her duty in Jammu, particularly on medical grounds and that representation is still pending decision.

2. It is the case of the applicant that Respondent No. 3 (Chief Education Officer, Jammu) has now issued a general circular dated 05.06.2020 directing his subordinate officers to relieve all the transferred teachers/deployed from other districts of Jammu on different grounds and who have completed their specific period of transfer. The applicant has challenged the impugned order dated 05.06.2020 on a number of grounds.
3. The applicant seeks interim relief to stay the operation of the impugned circular dated 05.06.2020 and to restrain the respondents from relieving her from her present place of posting till disposal of this O.A.
4. Vide order dated 09.06.2020, the respondents were directed to file counter affidavit within two weeks as well as objections, if any, to the interim relief sought by the applicant, and it was



further directed that the interim relief would be considered after filing of counter affidavit/objections.

Today, Mr. Amit Gupta, AAG for respondents sought further time to file counter affidavit as well as objections to the interim relief. However, looking to the order dated 09.06.2020, case was taken up for arguments on interim relief.

6. During the course of arguments, learned counsel for the applicant submitted that the O.A. may be disposed of by directing the respondents to consider and dispose of representation dated 15.07.2019 (Annexure-E) as well as any other representation filed by the applicant and that the respondents may get her medically examined for the purpose of disposing of her representation since she was originally transferred from Kathua to Jammu on medical grounds and she shall not be relieved from her place of posting at Jammu.
7. Looking to the limited prayer of the applicant, the O.A. is disposed of by directing the respondents to consider and dispose of the representations of the applicant 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 has been

given to enable the respondents to get the applicant medically examined before disposing of her representation since her plea for relief in the OA is based upon her medical condition.



8. Learned counsel for the applicant also prays for interim relief that the applicant be not relieved from her present place of posting. In view of the facts and circumstances of the case, the respondents are directed not to relieve the applicant from her present place of posting, if not already relieved, till the respondents dispose of her representation within the aforementioned time frame.
9. Registry is directed to send a copy of this order by e-mail to learned DAG by 09.7.2020 who shall forward the order by e-mail immediately to respondents for necessary action. Registry to issue hard copy of this order to the parties under rules. O.A. and MA are disposed of accordingly. No costs.

(Rakesh Sagar Jain)
Member (J)

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(Dr. BhagwanSahai)
Member (A)