



Central Administrative Tribunal Jammu Bench, Jammu

O.A. No.352/2020

Wednesday, this the 9th day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

Shah E Jahan Ahmad Itoo, S/o Abdul Salam Itoo, Aged 54 years, R/o Vessu Tehsil Qazigund District, Anantnag.

...Applicant

(Nemo for applicant)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner Secretary PWD (R&B), Civil Secretariat, Jammu/Sringar.
2. Commission Secretary to the Government, Forest, Ecology & Environment Department, Civil Secretariat Jammu/Srinagar.
3. Principal Chief Conservative of Forestry, Jammu and Kashmir

...Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Executive Engineer in the Road and Building Department of Jammu & Kashmir. Through order dated 30.05.2018, he was transferred and posted in Forest Department, stating to be on deputation. The applicant contends that when he is borne on the cadre of Road and Building Department, there was no basis for posting him in the



Forest Department without his consent. This O.A. is filed challenging the said order and for a direction to the respondents, to pay the salary to the applicant, for the relevant period.

2. The O.A. was listed earlier and we directed Mr. Amit Gupta, learned Additional Advocate General to obtain instructions in the matter.

3. Today, there is no appearance on behalf of the applicant. We heard Mr. Amit Gupta, learned Additional Advocate General, for the Respondents, through video conferencing.

4. The deputation of an employee from one Department to another Department can be only when the employee gives his consent or where rules provide for compulsory posting. The applicant herein contends that his consent was not obtained by the Department before the transfer.



5. Whatever be the circumstances under which he was posted in the Forest Department, it is now stated that he has since been restored to the parent Department, and the salary of the applicant was also released.

6. With that, the grievance of the applicant stands redressed. The O.A. stands disposed of. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 9, 2020

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