

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 061/00090/2020

M.A. No. 061/026/2020

Friday, this the 26th day of June, 2020

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

Mohd. Riaz, age 55 yrs, S/o Atta, Ullah, R/o Dara Dullian, Tehsil Haveli, District Poonch, Group (B) Non-Gaz, Teacher.

.....Applicant

(Mr. Mohd. Iqbal Sher Khan, Advocate)

Versus

1. Union Territory of J&K through Commissioner cum Secretary to Govt. Education Department, Civil Secretariat, Jammu/Srinagar.
2. Director School Education, Jammu.
3. Chief Education Officer, Poonch.
4. Zonal Education Kanuyian, District Poonch.

.....Respondents

(Mr. Rajesh Thapa, Dy. Advocate General)

ORDER [O R A L]

Justice L. Narasimha Reddy, Chairman: -

The applicant was appointed as a Teacher and at present he is attached to an institution at Dhara Kopra. Through an order dated 28.02.2020 the School Education Department of Jammu has shifted quite large number of teachers to their original places of posting. The applicant contends that the impugned order, in so far as the posting/transferring him to HS Kanuyian is contrary to the policy enunciated by the respondents. He contends that on account of

health problems, he would not be in a position to discharge duties properly, at HS Kanuyian.

2. On behalf of the respondents it is stated that the applicant has already joined the institution at Kanuyian and the challenge to this impugned order at this stage is untenable.

3. We heard Mr. M.I. Sherkhan, learned counsel for the applicant and Mr. Rajesh Thapa, Deputy Advocate General appearing for the respondents at the time of admission through Video Conferencing.

4. The applicant no doubt was working at PS Dhara Kopra. However, from the impugned order dated 28.02.2020 it is evident that his original place of posting is HS Kanuyian. The impugned order itself discloses that various teachers, who were originally posted to certain institutions, were attached to some other institutions, for variety of reasons. The administration intends to ensure that the teachers posted at a particular place, work at the same place. The applicant has also joined the institution at Kanuyian. We are not able to find any defect or illegality in the impugned order.

5. Learned counsel for the applicant has drawn our attention to para-4 of an Annexure, which is to the effect that if an official has been appointed or posted against any post in specific institute, which makes the post non transferable, in no case, he shall be transferred/posted in any of the institution. The question as to whether the applicant fits into those parameters, needs to be

examined. That would be possible only, if, the applicant makes a representation on this behalf.

6. We, therefore, direct (a) that it shall be open to the applicant to make a representation ventilating his grievance within four weeks from today; (b) on receipt of such a representation, the competent authority shall pass an order within four weeks thereafter, duly taking into account the various aspects enunciated in the policy.

7. The OA is accordingly disposed of. The MA stands disposed of. There shall be no order as to costs.

(Dr. Bhagwan Sahai)
Member (A)

(Justice L. Narsimha Reddy)
Chairman

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