

**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/550/2020

M.A. No.61/574/2020

Tuesday, this the 25th day of August, 2020

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

Anil Abrol, age 50 years,
S/o Sh. Chuni Lal,
R/o H.No.40/7 Trikuta Nagar, Jammu.
Working as Jr. Assistant in District
Industries Dept., presently posted in
Manager Industrial Estate Digiana,
District Jammu J&K.

.....Applicant

(By advocate: Mr. Dinesh Verma)

VERSUS

Union Territory of Jammu and Kashmir
Through Principal Secretary, Industries and
Commerce Department, Civil Secretariat,
Jammu/Srinagar.

2. Director Industries and Commerce, Jammu
J&K Jammu.

3. Manager Industrial Estate, Digiana, Jammu.

...Respondents

(By advocate: Mr. Rajesh Thappa)

ORDER (ORAL)

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

The applicant is working as Junior Assistant in the Industries Department of J&K and he was posted in the office at Jammu. On 11.08.2020 the Director of Industries and Commerce passed an order to the effect that the applicant shall stand attached to the District Industries Centre, Kishtwar with immediate effect, on administrative grounds, and in contemplation of the enquiry on the charges of harassment. As a sequel thereto, the applicant was relieved through the order dated 13.08.2020.

2. This OA is filed challenging the orders dated 11.08.2020 and the consequential relieving order dated 13.08.2020.

3. We heard Mr. Dinesh Verma, learned counsel for the applicant and Mr. Rajesh Thapa, learned counsel for the respondents at the stage of admission.

4. The applicant has stated several facts that lead to filing of the OA. We are not concerned with the merits of the

allegations made in the OA. From a perusal of the order dated 11.08.2020, it is evident that the shifting of the applicant on account of a contemplated enquiry into the charges of harassment. Almost as a substitute for suspension, the respondents have shifted the applicant and consequently he was relieved.

5. The grievance of the applicant is that the Kistwar is at a distance of 200 kms to Jammu and it would be impossible for him to work at that place. A representation is said to have been made in that behalf.

6. We are not inclined to interfere with the order shifting the applicant to another place. However, as regards the hardship which he would face on account of being shifted to Kistwar needs to be addressed. If the intention of the department is to ensure that the applicant does not work in the office at Jammu, any other place which is not far off, can be considered. To the extent possible, the hardship that may be caused to the applicant on account of his being shifted to an office at a long distance, can be mitigated.

7. We, therefore, dispose of the OA directing the respondents to pass order on the representation made by the applicant for attaching him to any place nearer to Jammu within a period of two weeks time from today. Till such time the applicant shall not be required to report to Kistwar. There shall be no order as to costs.

(DR.BHAGAN SAHAI)
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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