

**0CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/174/2021

This the 04th day of February, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Gunjeet Kour, aged 37 years, W/o S. Paramjeet Singh, Inspector of Police, Executive, PCR, Jammu R/o Upper Gadi Garh, Jammu..

.....Applicant

(Advocate:- Mr. Pranav Kohli, proxy counsel for Mr. Farhan Mirza)

Versus

1. Union Territory of Jammu & Kashmir, Through Commissioner-cum-Secretary, School Education, J&K, at Jammu.
2. Director School Education, Jammu.
3. Principal Government Girls Higher Secondary School, Satwari, Jammu.

.....Respondents

(Advocate: Mr. Rajesh Thappa, Id. Deputy Advocate General)

ORDER

[O R A L]

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The case of the applicant Gunjeet Kour is that she was appointed as Teacher at the Government School situated in District Poonch and that her husband who was in Police Department has been in the forefront of anti-militancy operation and therefore, remained in the hit list of the militants.



2. The I.G.P., Jammu Zone requested Director, School Education in the year 2015, to transfer the applicant from District Poonch to District Jammu on security reasons whereupon on security basis, vide order dated 20.07.2015, the applicant was deployed in District Jammu for one year. It is further case of applicant that in view of continuing threat perception to the life of applicant from the militants, her request for extension of period of deployment was accepted by the respondents vide order dated 20.06.2017 for a period of 2 years. The respondents vide impugned order dated 02.02.2021 have given direction that the Teachers deployed from other districts to District Jammu having completed their deployment should be released. As per applicant, she filed a representation seeking extension of her deployment in view of the threat perception to her life from the militants which is pending before the Director, School Education, Jammu.

3. During the course of the arguments, learned counsel for the applicant submitted that looking to the threat perception faced by the applicant to her life from the militants, he would be satisfied, if the respondents are directed to decide the representation of the applicant dated 03.02.2021 within a limited time frame and till then the applicant be not relieved. On the other hand, learned D.A.G. submits that there is no militancy in District Poonch

as such there being no threat to the life of the applicant from the militants, no relief can be given to the applicant.



4. The material on record does show that the applicant was transferred from District Poonch to Jammu District on the basis of the report given by I.G.P. Jammu Zone which mentions that the applicant is facing security threat from militant organizations. It was on the basis of this police reports that the applicant was transferred from Poonch to Jammu. The report of I.G.P. C.I.D. J&K dated 11.03.2017 also mentions that for the reasons given in the said communication, the applicant is facing grave threat from criminals as well as militant organizations.

5. Learned counsel for the applicant submitted that the Clause-14 of transfer policy dated 22.12.2015 recognises the deployment of personnel serving in Education Department on the ground of security concerns shall be made after considering the recommendations as received from Head of C.I.D. Wing and therefore, the applicant is entitled to be further deployed in Jammu District as per averments in her representation.

6. Looking to the arguments of learned counsel for the parties, the respondents are directed to consider and dispose of the representation of the applicant by passing a reasoned and speaking order taking into account



Clause-14 of the transfer policy for employees of School Education Department vide Government order no. 622-Edu of 2015 dated 22.12.2015 within a period of two weeks from the date of receipt of certified copy of this order. Till the disposal of representation, the Respondent No. 3 and 4 are restrained from relieving the applicant from her present place of posting i.e., Jammu District.

7. Learned D.A.G. would inform the respondents about the order today itself.

8. With the above direction, the O.A. is disposed of. It is made clear that we have not entered into the merits of the case.

9. There shall be no order as to cost

(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)