



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.61/938/2020 (SWP.No.361/2014)
&
M.A.No.61/1141/2020 in T.A.No.61/938/2020

This the 4th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Anjum Ara, Aged 34 years, W/o Basharat Muner Shapoo R/o Kotli
Bhaderwah, District Doda, J&K.

...Applicant

(By Advocate : None)

Versus

1. State of Jammu and Kashmir through Director School Education, Jammu.
2. Chief Education Officer, Doda, J&K.
3. Zonal Education Officer, Bhaderwah, Doda.
4. Head Master, Government High School, Nichla, Thara, Gatha, Tehsil Bhaderwah District Doda.

...Respondents

(By Advocate : Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)



Justice L Narasimha Reddy, Chairman:

The applicant was appointed as a regular Teacher on 16.05.2013 and was posted in Government Higher Secondary School, Bhalra. Through an order dated 21.12.2018, she was transferred to the Government Girls High School, Nichla Thara, Bhaderwah. Recently, the Government took a policy decision to ensure that the Teachers are posted in their units of appointment. Through an order dated 11.02.2019, the applicant was sought to be transferred to Govt. Girls High School, Nichla Thara, Bhaderwah, and directions were issued for the implementation of transfer.

2. The applicant filed SWP.No.361/2014 before the Hon'ble High Court of Jammu & Kashmir, challenging the order dated 11.02.2019. An order of status quo was also passed on 06.03.2019. She contends that her transfer to another Institution i.e., Government Girls High School, Nichla Thara, Bhaderwah. through an order dated 21.12.2018, was on considering the domestic problems faced by her and that there is no justification for transferring her within one year, to another place.

3. The respondents filed a detailed counter affidavit. They referred to various judgments of the Hon'ble Supreme Court pertaining to the transfers and ultimately it is stated that the applicant was transferred to her unit of appointment.



4. We heard Mr.Roop Lal, learned counsel for the Applicant and Mr. Rajesh Thapa, learned Deputy Advocate General, for the Respondents.

5. On re-organization of the State of Jammu & Kashmir into Union Territory, the SWP has since been transferred to this Tribunal and renumbered as TA.No.938/2020. It was listed yesterday and there was no representation. Today also, there is no representation for the Applicant. Therefore, we perused the record and heard Shri Rajesh Thapa, learned Deputy Advocate General, for the Respondents.

6. The order challenged in the TA is the one, which reflects a policy decision. This is not an order of routine transfer. Any employee is required to work in their respective unit of appointment. In case, there exist any special circumstances, they need to be addressed individually. If the shifting of the applicant to the place indicated in the impugned order results any hardship, she can make a representation to the respondents and in case any merit is found therein, necessary action can be taken.

7. We therefore dispose of this TA declining to interfere with the impugned order. However, we leave it open to the applicant to make a representation after she joins in the place to which she is transferred. On such representation, the respondents shall pass appropriate orders on its own merits.

8. The MA stands disposed of. There shall be no order as to costs.



(Ms. Aradhana Johri)
Member (A)

(Justice L Narasimha Reddy)
Chairman

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