

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.61/1351/2020
(SWP.No.3208/2019)

Wednesday, this the 28th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)**

Happy Kesar, age 35 years, S/o. Sh. Om Parkash,
R/o. Marh, P.O. Halqa, Block Marh, District Jammu.

.....Applicant
(Advocate: Mr. Abinav Sharma)

Versus

1. State of J&K, through Commissioner/Secretary to J&K Govt.
Rural Development Department, Civil Secretariat,
Jammu/Srinagar.
2. Director, Rural Development Department, Jammu.
3. District Development Commissioner, Jammu.
4. Assistant Development Commissioner, Jammu.
5. Block Development Officer, Marh, District Jammu.

.....Respondents
(Advocate:- Mr. Amit Gupta, AAG)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was appointed as MIS Operator in the office of the Assistant Commission Development, Jammu, and was allowed to work at Marh Block. Through an order dated 21.08.2019, the applicant was attached to the office of the Assistant Commission Development, Jammu, by pointing out some unsatisfactory performance of the applicant. The applicant filed SWP.No.3208 of 2019 challenging the said order. It is stated that he submitted his explanation to the deficiencies pointed out and despite that, the attachment was done, contrary to the conditions of the appointment.

2. In the Writ Petition, the respondents filed a counter affidavit stating that the explanation of the applicant was considered and the impugned order was virtually rescinded by giving warning to the applicant to be careful in future. The Writ Petition has since been transferred to this Tribunal in view of the re-organization of the State of Jammu & Kashmir and renumbered as TA.No.1351/2020.

3. Today, we heard Mr. Abhinav Sharma, learned counsel for the Applicant and Mr. Amit Gupta, learned Additional Advocate General, for the Respondents.

4. The grievance of the applicant was mostly about his being attached to the office of the Assistant Commissioner Development, Jammu. According to the applicant, the MIS Operator once attached to a block, is not transferable to any other unit at all. It appears that the attachment of the applicant through impugned order was mostly as a punitive measure. However, it is stated in the counter affidavit that the explanation submitted by the applicant was taken into account and the arrangement under the impugned order has since been dropped. The result is that the attachment of the applicant to the office of the Assistant Commissioner Development, Jammu, ceased and he was assigned to work, as per the norms.

5. The OA has, therefore, become infructuous and the same is accordingly dismissed. There shall be no orders as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 28, 2020

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