



**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH JAMMU**

Dated: This day of 15th of July 2020

(Orders reserved on 13th July, 2020)

HON'BLE Dr. BHAGWAN SAHAI, MEMBER – A
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

O.A. No.061/00206/2020

Firdous Kouser age 46 years W/o Sh. Mohd Zubair R/o Village Khari, Tehsil Haveli, District Poonch Group C, Posted at Sub Center Baila, Mandi Poonch as Female Multi-purpose Health Wroker.

.....Applicant

By Advocate: Mr. I.H. Bhat

Versus

1. U.T. of Jammu and Kashmir through its Commissioner/Secretary, to Government Health Department, Civil Secretariat, Srinagar.
2. Director Family Welfare, Jammu.
3. Chief Medical Officer, Poonch.
4. Deputy Chief Medical Officer, Poonch.
5. Block Medical Officer, Mandi.

.....Respondents

By Advocate: Mr. Rajesh Thapa, DAG

ORDER



Per Mr.Rakesh Sagar Jain, Member (J)

1. Case of the applicant Firdous Kouser is that vide order dated 06.02.2014 (Annexure A-2), she was transferred from Reasi to Poonch district on mutual basis with one Sweety who was transferred from Poonch to Reasi.
2. It is further case of the applicant that vide this impugned order dated 30.06.2020 (Annex A-1), Respondent No. 2 directed Respondent No. 4 to relieve the applicant from her present place post of posting i.e. Poonch with a direction to report at Reasi, and that in compliance with that order, Respondent No. 5 has relieved the applicant w.e.f. 01.07.2020. The applicant has challenged the impugned order dated 30.06.2020 on the ground that the Administration has not issued any order for posting and relieving of the said Sweety , and also there is no vacant post at Reasi where the applicant has to join and draw her salary. Her further contention is that while the other persons transferred vide order (Annex A-2) have been retained and continued as such, the applicant has been singled out and thus discriminated against by the respondents. The applicant seeks interim relief to stay operation of the impugned order dated 30.06.2020 and order dated 01.07.2020 whereby she has been relieved from her present place of posting.
3. Heard and considered arguments of learned counsel for the applicant and Mr. Rajesh Thapa, learned DAG, and perused the material on record.



4. A perusal of the record shows that the applicant has already been relieved from her present place of posting i.e. Poonch. In these circumstances, no prima face case is made out by the applicant for issuance of an interim direction to stay the impugned order. Therefore, the prayer of the applicant for interim relief is rejected.
5. Learned DAG is directed to file counter affidavit within four weeks. Thereafter, learned counsel for the applicant may file rejoinder within two weeks.
6. List for final arguments on 23.09.2020.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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