

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**T.A./61/2320/2020**

This the 20th day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN  
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Dr. Vanita Kotwal aged 38 years, W/o r. Arjun Singh, R/o Flat No. A/2  
Pocket 6, Sector-2, Channi Himmat, Jammu.

.....Applicant

(Advocate: Ms. Saba Atiq for Mr. Abhinav Sharma)

**Versus**

1. State of J&K, Through Commissioner/Secretary, Health and medical Education Department, J&K Govt. Civil Secretariat, Jammu.
2. Director Health Services, Jammu.
3. Chief Medical Officer, Jammu.
4. Incharge, Preventive & Social Medicine, Urban Health Training Centre, Trikuta Nagar, Jammu.

.....Respondents

(Advocate:- Mr. Amit Gupta, Additional Advocate General)



**ORAL ORDER****{By Hon'ble Sri Justice L. Narasimha Reddy, Chairman}**

The applicant is working as Medical Officer in the Health & Medical Education Department, Government of Jammu & Kashmir, and posted in Urban Health Centre, Trikuta Nagar, Jammu. Through an order dt.14.12.2017, she was transferred as Medical Officer to District Hospital, Rajouri. Challenging the same, the applicant filed SWP No. 3051/2017 before the Hon'ble High Court Jammu & Kashmir.

2. The Writ Petition has since been transferred to the Tribunal in view of re-organization of the State of Jammu and Kashmir and renumbered as TA No. 2320/2020.

3. The Hon'ble High Court at Jammu was pleased to stay the operation of the order of transfer on 29.12.2017. The respondents did not file any counter affidavit as yet.

4. Today, we heard Sri Abhinav Sharma, learned counsel for the applicant and Sri Amit Gupta, learned Additional Advocate General for the respondents.

5. The principal ground urged by the applicant is that she was subjected to frequent transfers and she faced serious hardship on account of that. From the particulars furnished by the applicant, it is evident that between 2014 & 2017, she was transferred on 4 or 5 occasions to various places. Such transfers would certainly cause hardship to the employees, as also to the establishments, to which they are transferred. If one takes into account the transfers which the applicant was subjected to, the impugned order certainly suffers from serious lapses. However, the necessity to set aside the order of transfer in so far as it relates to the applicant is obviated on account of the fact that the applicant continued at the same place for the past 3 years on the strength of the interim order.

6. Now that the normal period of stay for an official has lapsed in respect of the applicant, the respondents can take a decision with regard to her posting in accordance with the transfer policy.
7. The TA is accordingly disposed. The interim order shall stand vacated.
8. There shall be no order as to costs.

**A.K. BISHNOI**  
**MEMBER (ADMN.)**

**JUSTICE L. NARASIMHA REDDY**  
**CHAIRMAN**

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