



## **Central Administrative Tribunal Jammu Bench, Jammu**

Hearing through video conferencing

### **Inder Singh Vs. UT of J&K, D/o Housing And Urban Development**

17.07.2020

O.A. No.61/230/2020

Present: Mr. Ajay Bakshi, for the applicant

Mr. Amit Gupta, AAG for respondents

Dr. Bhagwan Sahai, Member (A):

Shri Inder Singh son of Late Shri Ganpat Singh resident of House No.5-A, Lane – 1, Ext. Greater Kailash, District Jammu has filed this OA on 09.07.2020 seeking quashing of order dated 03.07.2020 issued by respondent no.2 i.e. Director, Housing and Urban Development Department, Jammu and direction to respondent no.2 not to disturb the applicant's place of present posting. As an interim relief, he also seeks stay of the order dated 03.07.2020 till final disposal of this OA.

2. We have heard the applicant's counsel Mr. Ajay Bakshi and respondents' counsel Mr. Amit Gupta, AAG.

3. A perusal of the copy of order dated 29.08.2019 issued by Director, Urban Local Bodies, Jammu would show that in

compliance of J&K High Court order dated 19.07.2019 in W.P. (C) 2695/2019, **Inder Singh Vs. State of J&K and others** and **Tahira & ors. Vs. State & ors.**, SWP No.895/2003, the earlier order dated 16.07.2019 was modified and instead of his transfer at Municipal Committee, Hiranagar, District Kathua, the applicant was posted at Municipal Committee, Vijaypur District Jammu.

4. In the OA, the main ground raised by the applicant against the impugned order dated 03.07.2020 by which he has been transferred from Municipal Committee, Bari Brahmana to Municipal Committee, Arnia with immediate effect, is that it is arbitrary and suffers from malaife. He has stated that he is due to retire on superannuation in three months and the order has been passed with extraneous considerations.

5. Although the applicant has alleged malafide in passing of the impugned order, he has neither made such allegation against any specific respondent nor has made such respondent a party in person to this OA. Therefore, this allegation does not deserve to be taken cognizance of.

6. The applicant's counsel, during arguments, has pressed for grant of interim relief i.e. stay of the impugned order till disposal of this OA, relying upon J&K High Court decision dated 05.08.2003 in Tahira (supra). However, during arguments, we asked the applicant's counsel to produce for our perusal a copy

of the applicable rules/policy governing the service conditions including transfer of the applicant. However, he has not made available a copy of such rules or policy.

7. A perusal of the impugned order shows that it came into immediate effect on the date of its issuance i.e. 03.07.2020, which means the applicant has already been relieved from Municipal Committee, Bari Brahmana to join at Municipal Committee, Arnia.

8. The applicant has stated in the OA that the order of Director, Urban Local Bodies, Jammu dated 29.08.2019 was not executed and, therefore, he has continued at Municipal Committee, Bari Brahmana.

9. In view of details in para 6 and 7 above, we are not inclined to grant any interim relief to the applicant at this stage. His prayer for interim relief is thus rejected.

10. Issue notice on OA to respondents, who should file counter affidavit within two weeks with an advance copy to the applicant's counsel, who may file rejoinder, if any, within two weeks thereafter.

List the OA for final arguments on 10.08.2020.

**( Rakesh Sagar Jain )**  
**Member (J)**

**( Dr. Bhagwan Sahai )**  
**Member (A)**

/dkm/