

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No. 663/2020
M.A. No.896/2020
(S.W.P. No.769/2020)

Monday, this the 26th day of April, 2021

(Through Video Conferencing)

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

Dr. Mumtaz Kouser, aged 40 years
w/o Arif Haleem
r/o H.No.145, Opposite Radiant Academy
College Link Road, Green Colony, Bhaderwah

..Applicant

(Mr. Rajat, Advocate *vice* Mr. Anil Sethi, Advocate)

VERSUS

1. Union Territory of Jammu & Kashmir
Through its Commissioner-cum-Secretary to Govt.,
Education Department, Civil Secretariat, Jammu
2. Director, School Education, Jammu
3. Chief Education Officer, Doda
4. Principal, Government Higher Secondary School, (Boys)
Bhaderwah

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Lecturer in the School Education Department in the Unit of District Doda in April 2010. She worked at that place up to February 2013 and on a request made by her, she was posted at the GHSS Bhaderwah on



08.02.2013. She worked in separate Institutions at that place till 08.02.2020. She was transferred to her parent Unit, i.e., Doda, through an order dated 08.02.2020. Aggrieved by that, she filed SWP No.5554/2020 before the Hon'ble High Court of Jammu & Kashmir. The SWP was disposed of on 19.02.2020 directing the respondents to review the case of the applicant regarding posting. In compliance with the same, the respondents passed an order dated 26.02.2020, narrating the various events ever since the applicant was appointed and directing that she shall stand transferred to her original unit of appointment.

2. The applicant filed SWP No.769/2020 before the Hon'ble High Court challenging the said order. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA No.663/2020.

3. Today, we heard Mr. Rajat, learned counsel *vice* Mr. Anil Sethi, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.

4. It is not in dispute that the Unit of appointment of the applicant is District Doda. After she worked there for about three years, she was transferred to an Institution at her native place, i.e., Bhandarwah in the year 2013. Nearly seven years thereafter, she was transferred to her Unit of appointment. The applicant



contends that there is a threat perception to her and on account of that, she was transferred to Bhaderwah. Even if it is true, the perception cannot remain the same for years together. The applicant worked at her native place for several years. In case there is any threat to the applicant when she worked at Doda, the Government shall take adequate care. The applicant has already joined the place at an Institution at Doda.

5. We do not find any merit in the T.A. It is accordingly dismissed. It is, however, directed that in case the applicant faces any threat, the concerned authority shall arrange to provide her the protection.

6. M.A. No.896/2020 shall stand disposed of.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 26, 2021
/sunil/jyoti/dsn/