

Item No.

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No. 1459/2020
S.W.P. No. 485/2020

Thursday, this the 4th day of March, 2021

(Through Video Conferencing)

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

Tahir Ahmed Shawl, age 48 years
S/o Abdhul Hamid Shawl
R/o Thanamandi, Tehsil Thanamandi,
District Rajouri.

..Applicant

(By Advocate: Sh. Ashok Sharma)

VERSUS

1. State through Commissioner Secretary,
PHE Department, J&K Govt.
Civil Sectt., Srinagar/Jammu.
2. Chief Engineer, PHE Department, Jammu.
3. Superintendent Engineer, Hydrolic, PHE Division,
Circle Rajouri.
4. Executive Engineer, PHE Division,
Rajouri.
5. Assistant Executive Engineer, PHE Division,
Rajouri.

6. State through Commissioner Secretary,
General Administration Department,
J&K Govt. Civil Sectt., Srinagar/Jammu.
7. Minister for PHE,
J&K Govt. Civil Sectt., Srinagar/Jammu.

..Respondents

(By Advocate: Sh. Amit Gupta, Assistant Advocate General)



ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Incharge Works Supervisor at Thanamandi in the year 2018. He was also placed as Incharge of the post at Harpbole Badian on 24.01.2018. Thereafter, he was transferred on regular basis and posted in Budhal Town through order dated 7.03.2018. Challenging the same, applicant filed SWP No.485/2018 before the Hon'ble High Court of J&K. An interim order was also passed in his favour. Applicant pleaded that he was transferred within a span of two months.

2. The respondents filed a detailed counter affidavit, narrating the circumstances that led to filing of the SWP.

3. The SWP has since been transferred to the Tribunal in view of reorganization of State of J&K and renumbered as TA No.1459/2020.



4. Today we heard the Sh. Ashok Sharma, learned counsel for applicant and Sh. Amit Gupta, learned Additional Advocate General.

5. The main contention of the applicant is that he was transferred twice within a span of two months. However, that does not appear to be factually correct. What happened under the order dated 24.01.2018 is that he was kept incharge of Harpole Badian and it was not a regular posting or transfer. Thereafter on 07.03.2018, he was regularly transferred to Budhal Town. The applicant is blissfully silent as to since how long he is working at Thanamandi. His effort seems to be, to remain at same place almost for indefinite period. At any rate, the applicant is continuing for the past three years in the same place, on the strength of interim order passed by the Hon'ble High Court. Nothing remains to be decided at this stage.

6. We, therefore, dismiss the TA and vacate the interim order passed by the Hon'ble High Court. It is left open to the respondents to pass fresh order of posting/transfer. There shall be no order as to costs.



(Pradeep Kumar) (Justice L. Narasimha Reddy)
Member (A) Chairman