

Item No.4

# Central Administrative Tribunal

## Jammu Bench, Jammu



T.A. No. 1773/2020  
(S.W.P. No.2381/2019)

Friday, this the 16<sup>th</sup> day of April, 2021

(Through Video Conferencing)

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

Mudassar Nazir, age 31 years  
s/o Sh. Nazir Ahmed  
r/o Village Lowang, District Kathua  
at present Bani, Tehsil Bani District Kathua  
presently posted as Junior Engineer (Civil)  
PHE Sub-Division, Bani

..Applicant

(Mr. S S Ahmad, Advocate)

### VERSUS

1. The State of J&K  
Through its Commissioner/Secretary  
Public Health Engineering Department  
Civil Secretariat, Jammu
2. The Chief Engineer, PHE, Jammu
3. Er. A K Gandotra  
Chief Engineer (Retd) PHE, Jammu  
c/o Chief Engineer, PHE, Jammu
4. The Superintending Engineer,  
Hydraulic Circle, Kathua
5. The Executive Engineer,  
PHE Division, Kathua
6. Indro Devi w/o Sh. Deep raj  
r/o Bani, Tehsil Bani District Kathua

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

## ORDER (ORAL)

**Justice L. Narasimha Reddy:**



The applicant filed SWP No.1773/2020 before the Hon'ble High Court of Jammu & Kashmir, challenging the order of transfer. He pleaded that the transfer was based upon a complaint made by 6<sup>th</sup> respondent with false allegations and even before the inquiry into the complaint was completed, he was transferred almost as a punitive measure. He further pleaded that it was only on 05.03.2018, that he was posted to Kathua. The Hon'ble High Court passed an interim order staying the operation of the transfer order.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 1773/2020.

3. Today, we heard Mr. S S Ahmed, learned counsel for applicants and Mr. Rajesh Thappa, learned Deputy Advocate General.

4. The very perusal of the order of transfer discloses that it was made on administrative grounds. The details furnished by the applicant in his TA/SWP disclose that the transfer was

warranted on account of a complaint made by the 6<sup>th</sup> respondent and with a view to ensure proper functioning of the office. Whatever may have been the circumstances under which the impugned order came to be passed, the effort of the applicant was only to ensure that he completed the normal tenure at Kathua. That was accomplished on account of an interim order passed by the Hon'ble High Court. He has completed the tenure of 3 years at Kathua.

5. We, therefore, dispose of the T.A. leaving it open to 2<sup>nd</sup> respondent to pass a fresh order of posting in accordance with the transfer policy. The interim order passed by the Hon'ble High Court shall stand vacated. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/sunil/dsn/sd/

