

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 1836/2020
S.W.P. No. 1538/2018



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)

Dr. Balquis Naaz, age 48 years
W/o Dr. Javaid Iqbal,
R/o H.No. 77, Stadium Lane, Bye-Pass
Chhani Himmat, Jammu.

..Applicant

(By Advocate: Ms. Saba Atik for Sh. Abhinav Sharma)

VERSUS

1. State of J&K
Through Commissioner/Secretary,
Health & Medical Education Department,
Civil Secretariat, Srinagar/Jammu.
2. Director, Health Services, Jammu.
3. Chief Medical Officer, Jammu
4. Block Medical Officer, Suhanjana.
Medical Block.

..Respondents

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

ORDER (ORAL)**Justice L. Narasimha Reddy:**

The applicant was working as Medical Officer in Sub-District Hospital (SDH) in the year 2018. Through order dated 27.07.2018, she was transferred to the Primary Health Centre (PHC) Airport, Jammu and she is said to have been relieved on 27.07.2018. On the next day, an order dated 28.07.2018 was passed by the Directorate of Health Services, Jammu, keeping the order of transfer dated 27.07.2018 in abeyance. Challenging the same, the applicant filed SWP No.1538/2018 before Hon'ble High Court of J&K. It was mentioned that order dated 28.07.2018 is arbitrary and was passed without any basis. The Hon'ble High Court stayed the operation of the said order.

2. The SWP has since been transferred to the Tribunal in view of reorganization of State of J&K and renumbered as TA No.1836/2020.

3. Today we heard Ms. Saba Atik, learned proxy counsel for applicant and Sh. Amit Gupta, Additional Advocate General.



4. The applicant was transferred from SDH Sohanjana to PHC Airport, Jammu, which is stated to be just three kms away in the same city. The circumstances, under which either the order of transfer dated 27.07.2018 was passed or the order dated 28.07.2018, were issued, are not immediately before us. The fact remains that within one day, the competent authority has kept the order of transfer dated 27.07.2018 in abeyance. It was not even a final order. The applicant could have waited till the Directorate of Health Services has taken a final decision. It is not as if the applicant was transferred from a far-away place to Jammu and she was disturbed thereafter. At any rate, the applicant is continuing in PAC Airport, Jammu for the past two and a half years.

5. We, therefore, dismiss the TA, leaving it open to the Directorate of Health Services, Jammu to pass order of posting of the applicant. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Dkm/sunita/sunil/jyoti