

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/750/2021

This the 04th day of May, 2021

HON'BLE MR. ASHISH KALIA, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Nadeem Ahmed Aged 40 years, S/o Mohd Rafiq, R/o Ward No. 05, Rajouri Town
Tehsil and District Rajouri.

.....Applicant

(Advocate:- Mr. Z A Mughal)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner/Secretary
Education Department, Civil Secretariat, Jammu-180001.
2. Director, School Education, Jammu-181205.
3. Chief Education Officer, Rajouri-185131.
4. Zonal Education officer, Rajouri-185131.
5. Zonal Education Officer, Darhal-185135.

.....Respondents

(Advocate: Mr. Sudesh Magotra, learned D.A.G.)

ORDER

[O R A L]

(Delivered by Hon'ble Mr. Ashish Kalia, Member-J)

The applicant was appointed as 3rd Teacher in the Education Department in District Rajouri of Zone Darhal and was posted at Primary School Nakka Nadian. Since the applicant was suffering from a life threatening ailment, he requested CEO Rajouri to deploy him in Zone Rajouri and on the request of the applicant, CEO Rajouri directed the ZEO Rajouri to utilize the services of the applicant in any school of Zone Rajouri. The applicant joined Primary School Salani of Ward No. 4 on 21.08.2019. The grievance of the applicant is that in the garb of Order No. CEOR/E2/47576-595 dated 13.03.2021, the status of the applicant is being disturbed. Though the applicant has not been relieved, the applicant has apprehension that he may be relieved as such, the applicant also filed a representation before the CEO for his retention in GPS Salani of Zone Rajouri., however, the same is still pending consideration before the respondents.





2. Learned counsel for the applicant submits that an identical matter i.e., O.A. No. 61/415/2021 titled Khatoon Fatima vs UT of J&K and ors, was disposed of by this Tribunal vide order dated 09.03.2021 with direction to the respondents to consider the representation of the applicant within a stipulated time frame and in the meanwhile, the respondents will not force the applicant to join at the new place of posting, if not already relieved. He prays that a similar direction may be issued in this case also.

3. We have heard Mr. Z A Mughal, learned counsel for the applicant and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.

4. The limited prayer made by the applicant in the matter is to dispose of this O.A. in terms of order dated 09.03.2021 passed in O.A. No. 61/750/2021.

5. Accordingly, in view of the limited prayer made by the learned counsel for the applicant, we dispose of the O.A. with direction to the respondents to take a decision on the representation dated 19.03.2021 (Annexure No. A-1 to the O.A.) by passing a reasoned and speaking order within a period of four weeks from today. If the representation of the applicant is not available with the respondents, they may treat the O.A. as representation. In the meanwhile, the respondents will not force the applicant to join at the new place of posting, if not already relieved.

6. We would like to make it clear that we have not entered into the merits of the case.

7. There shall be no order as to cost.

(ANAND MATHUR)
MEMBER (A)

Arun

(ASHISH KALIA)
MEMBER (J)