

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/783/2021

This the 12th day of May, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Mushtaq Ahmad, Age 54 years, S/o Misri Alam, R/o Village Ari Tehsil Mendhar,
District Poonch.

.....Applicants

(Advocate:- Mr. C.M. Koul)

Versus

1. Union Territory of Jammu & Kashmir through Commissioner/Secretary to Govt.
Education Department, Civil Secretariat,
At present at Jammu – 180001.
2. Director of School Education, Jammu. - 181205

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
ORAL**

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicant Mushtaq Ahmad was posted as In-charge Chief Education Officer, Kargil in the year 2015. Thereafter, the applicant was posted as Incharge Chief Education Officer at Baramulla in Diet and Kulgam. In the year 2019, the applicant was posted as Incharge Chief Education Officer, Reasi and he is still working at Reasi. Vide Government Order No. 303-Edu of 2021 dated 06.05.2021, the applicant was transferred to Leh. It is the case of the applicant that as per Government Order No. 91-Capd of 2015 dated 25th of August 2015, the minimum tenure of a Government employee at a particular place of posting has been fixed as two years and maximum tenure has been fixed as three years, however, the applicant has been transferred even before completion of two years at his present place of posting. Hence, the present O.A.





2. Learned counsel for the applicant submits the applicant has preferred a representation dated 06.05.2021 (Annexure No. VI to the O.A.) before the respondents in this regard, however, no action has been taken on the same till date. He further submits that the applicant would be satisfied, if a direction is issued to the respondents to take a decision on the aforementioned representation within a stipulated time.

3. We have heard Mr. C M Koul, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

4. Looking to 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 06.05.2021 (Annexure No. VI to the O.A.) by passing a reasoned and speaking order and communicate the decision so taken to the applicant within a period of ten days from today. Till then, the applicant may not be relieved from the present place of posting, if not already relieved for a period of ten days.

5. It is made clear that we have not entered into the merits of the case. There shall be no orders as to cost.

6. Learned A.A.G. to inform the respondents regarding this order.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/Shashi/Arun