

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/713/2021

This the 29th day of April, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. DINESH SHARMA, MEMBER (A)

Asima Manzoor, W/o Suhail Mircha, R/o Hyderpora, Srinagar, Age 38 years.
.....Applicant

(Advocate:- Mr. Arif Sikandar Mir)

Versus

1. Commissioner/Secretary to Government, School Education Department, Civil Secretariat, Srinagar/Jammu-190001.
2. Addl. Director General of Police, CID, Jammu and Kashmir-190001.
4. Director School Education, Kashmir-190001.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G.)

ORDER
[O R A L]

(Delivered by Hon'ble Mr. Dinesh Sharma, Member-A)

The applicant was selected and engaged as Rehbar-e-Taleem in the year 2008. In the year 2014, the applicant was regularized as Rehbar-e-Taleem and in the year 2019, she was appointed as Teacher Grade-II in the School Education Department. The applicant apprehending threat to her life in District Baramulla, approached the Hon'ble High Court by filing SWP No. 1506/2018 seeking her transfer to any school outside District Baramulla. The Hon'ble High Court vide order dated 10.07.2018 directed the respondents to do the needful strictly in accordance with law and rules governing the transfer. The Additional Director General of Police, CD, J&K vide order dated 26.07.2018 informed the Director School Education, Kashmir that the applicant's brother-in-law is serving in Jammu and Kashmir Police Department and is performing





sensitive counter intelligence duties and besides he has remained posted as Deputy Superintendent of Police, Headquarters Baramulla and was instrumental in arresting various anti-national elements as well as stone-pelters in Baramulla area during 2019, which is the reason why the applicant feels unsafe. The Sr. Law Officer, School Education Department vide letter dated 19.07.2018 also recommended to Secretary to Government, School Education Department, that prima facie there appears to be a threat perception to the applicant and her family, as such the applicant's case needs to be considered on merits by according a positive consideration transfer from Baramulla to Srinagar. The applicant was shifted from District Baramulla to District Srinagar vide order dated 28.07.2017 taking cognizance of threat perception, however, the arrangement was only for one academic session. The applicant vide order dated 24.10.2018 was further allowed to continue in District Srinagar for a period of six months on security grounds. The applicant challenged the said order dated 24.10.2018 before the Hon'ble High Court by filing WP (C) No. 3843/2019 and the Hon'ble High Court vide order dated 08.01.2020 directed the applicant to make representation to Respondent no. 1 i.e., Commissioner/Secretary to Government, School Education Department, projecting her grievance and directed the Respondent No. 1 to consider the grievance of the applicant on merits and take a final decision in the matter and till such decision, it was directed that the applicant should not be sent back to District Baramulla. However, the Respondent no. 1 has rejected the claim of the applicant for grant of further extension of deployment to District Srinagar and has accordingly rejected her case for being posted in District Srinagar. The applicant is aggrieved of the said order.

2. We have heard Mr. Arif Sikander Mir, learned counsel for the applicant and Mr. Rajesh Thappa, learned D.A.G. for the respondents and perused the records.



3. The grievance of the applicant is that vide impugned Government Order No. 56 EDU of 2021 dated 09.03.2021, the applicant has been deputed back to District Baramulla from District Srinagar, through the applicant continues to have security threat perception as acknowledged by Respondent No. 2. We are of the view that interest of the applicant can be protected, if a direction is issued to the competent authority amongst the respondents to consider the case of the applicant keeping in view the security threat to her.

4. Accordingly, we dispose of the O.A. with direction to the concerned Department of the Government to look into the grievance of the applicant regarding threat to her life within ten days and pass appropriate orders, if her grievance is found to be genuine. Meanwhile, the applicant should be permitted to continue at District Srinagar, if she has not been relieved so far.

5. Mr. Rajesh Thappa, learned D.A.G. shall inform his clients today about the order.

6. There shall be no orders as to cost.

(DINESH SHARMA)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)