

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**



Hearing through video conferencing

**T.A.62/4390/2020
SWP No. 2861/2015**

This the 19th day of January, 2021

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Jammu & Kashmir Rehbar Taleem Teachers Forum through its
Chairman

1. Farooq Ahmad Tantray, S/o Abuld Rashid Tantray, R/o Zari Gunda, Ganderbal and its Publicity Secretary.
2. Assadullah Wani, S/o Mohammad Ramzan Wani, R/o Yongara, Ganderbal.

...Applicants

(Advocate: Mr. M.M. Dar)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Government, School Education Department, Civil Secretariat, Jammu.
2. Director School Education, Kashmir.

...Respondents

(Advocate:- Mr. Rajesh Thapa, DDG)

ORDER [ORAL]**Justice L. Narasimha Reddy, Chairman: -**

The applicants were initially appointed as RRTs/ReTs in various Institutions. Over the period, their services are said to have been regularized and in the matter of fixation of notional seniority, etc., some proceedings are said to have been pending before Hon'ble High Court of Jammu and Kashmir. The School Education Department, Government of Jammu and Kashmir, issued the Transfer Policy, vide proceedings dated 22.12.2015. It was mostly in relation to the general line teachers. Clause 17 thereof provided that the policy does not cover RRTs/ReTs, where the initial appointment is school specific. It is also mentioned that a separate policy will be issued for them.

2. The applicants filed SWP No. 2861/2015 before Hon'ble High Court of Jammu and Kashmir, challenging the transfer policy. According to them, the policy cannot differentiate the RRT teachers, from the general line teachers. Various grounds are challenged.

3. We heard Shri M.M. Dar, counsel for applicants, and Shri Rajesh Thappa (Deputy Advocate General), counsel for respondents, at some length.



4. The policy was formulated, mostly with a view to ensure objectivity in the matter of transfers. Certain factors become relevant, as and when the teachers are identified for transfer. The Government took note of the fact that the appointment of RRTs/ReTs was Institution specific and a different set of guidelines are proposed for them. It is not known whether any guidelines are issued so far. Added to that, the applicants were also to be assigned the seniority after regularization. In these circumstances, we find it difficult to find fault with Clause 17. However, the transfer of the applicants, as and when becomes necessary, need to be made in accordance with the guidelines that are applicable for them.

5. We, therefore, dispose of the TA directing that the transfer of the applicants, as and when it becomes necessary, shall be made in accordance with the relevant guidelines and if any separate guidelines are not issued for that purpose, those contained in the impugned order, shall be taken into account. There shall be no order as to costs.

(PRADEEP KUMAR)
MEMBER (A)

/sunita/akshaya/dsn

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN