

Item No. 8



## Central Administrative Tribunal Jammu Bench, Jammu

O.A. No. 745/2021

Monday, this the 31<sup>st</sup> day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Tarun Shridhar, Member (A)**

Mohammed Amin, Age 45 years  
S/o Haji Ishaq  
R/o Shakar chiktan Kargil, 194109  
Junior Engineer R&B Division Kargil.

... Applicant

(Mr. M.A. Rathore, Advocate)

### Versus

1. Union Territory of Ladakh  
Through Principal Secretary  
Public Works Department, J&K Civil Secretariat Ladakh,  
194101.
2. District Development Commissioner/Deputy Commissioner  
Kargil
3. District Superintending Engineer PWD Kargil  
01985-233457.
4. Additional Deputy Commissioner, Kargil  
01985-233057

... Respondents

(Mr. Raghu Mehta, Senior CGSC)



## O R D E R (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant is working as Junior Engineer in the R&B Division of Ladakh. Through an order dated 19.01.2021, the administration transferred 45 Junior Engineers, 42 Draftsman, 16 Senior Assistants and 42 Junior Assistants from one place to another. The applicant was transferred from Kargil to SDV Sankoo. He did not join that place, claiming that the transfer itself was not proper and it was *mala fide*. The respondents issued corrigendum dated 13.04.2021 transferring the applicant to PWD Zanskar instead of SVD Sankoo. Several other arrangements were also made. This OA is filed challenging the order dated 19.01.2021 as modified on 13.04.2021.

2. The applicant contends that he has already worked at PWD, Zanskar and according to the policy framed by the respondents, an employee, who has worked at Zanskar for one year, need not be transferred to that place. Various other contentions are also urged.

3. Today, we heard Mr. M A Rathore, learned counsel for applicant and Mr. Raghu Mehta, learned Senior Central Government Standing Counsel.

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4. The applicant was transferred as part of a routine exercise in January 2021. He was transferred from Kargil to Sankoo. It is not a case where the applicant joined Sankoo and thereafter, he is shifted to another place through corrigendum. The circumstances under which the corrigendum was issued are not immediately before us. The fact remains that the applicant has since joined the place of posting at Zanskar and is working there. In case the applicant is of the view that his transfer to Zanskar is opposed to any transfer guidelines or other Government orders, he can certainly make a representation in this behalf.

5. We, therefore, dispose of the O.A., leaving it open to the applicant to make a representation to the respondents regarding his transfer to PWD Zanskar. In case any representation is made, the appropriate orders thereon may be passed within a period of four weeks from the date of receipt of representation. We make it clear that we did not express any view on the orders of transfer and the respondents shall be free to take a decision in that behalf.

There shall be no order as to costs.

**( Tarun Shridhar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**May 31, 2021**  
**/sunil/jyoti/ns/sd/**