

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 62/781/2021**

This the 12th day of May, 2021

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



1. Mohd. Shafi Bhat (aged 46 yrs) S/o Mohd Yousuf Bhat R/o Nowgam District Anantnag Pin code - 192101.
2. Gulzar Ahmad (aged 39 yrs), S/o Mohd Abdullah Rather, R/o Hilad Arhama, District Kulgam, Pin code - 192231.
3. Fayaz Ahmad Sheikh (aged 45 yrs), S/o Mohd Ramzan Sheikh R/o Shangus District Anantnag, Pin code - 192101.
4. Abdul Rashid (aged 40 yrs), S/o Mohd Abdullah Sheikh, R/o Shangus, District Anantnag, Pin code - 192101.
5. Fayaz Ahmad Dhobi (aged 36 yrs), S/o Abdul Rahman Dhobi, R/o Quimoh District Kulgam, Pin code - 192231.
6. Manzoor Ahmad Sheikh (aged 33 yrs), S/o Abdul Ahad Sheikh, R/o Chadora District Budgam, Pin code – 191111.
7. Mohd Yaqoob (aged 44 yrs), S/o Ghulam Mohd Lone, R/o Sangran Qazigund District Anantnag, Pin code – 192101

.....Applicants

(Advocate:- Mr. Sheikh Hilal)

**Versus**

1. Union Territory of Jammu & Kashmir through its Secretary Govt of J&K Department of Home at Srinagar/Jammu, Pin code - 180001.
2. Director General of Police Armed Jammu and Kashmir at Jammu, Pin code - 180001.
3. Additional Director General of Police Armed Jammu and Kashmir at Jammu, Pin code - 180001.
4. Inspector General of Police Armed Jammu and Kashmir at Jammu, Pin code - 180001.

.....Respondents

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

**ORDER****[ORAL]****(Delivered by Hon'ble Mr. Anand Mathur, Member-A)**

The applicants are working as Followers in the Police Department in different Battalions. It is stated that the work assigned to Follower is scavenging, washing clothes, cleaning, cooking, repairing of shoes, hair cutting etc and they are one of the lowest paid employees of the Police Department and keeping in view their low salary and nature of the job, the Department fixed their posting within home town or in a District but not beyond the region and accordingly the Transfer Policy of the Police Department No. 100 of 2014 dated 28.01.2014 was not made applicable to the lower subordinate employees such as Followers. However, the Respondent No.3 without any justification and reason modified the order no. 100 of 2014 dated 28.01.2014 whereby conditions/norms governing the transfer of NGO and other employees has been applied to the Lower Subordinates (Followers) and subsequently made massive transfer/posting. Hence, the present O.A.



2. Learned counsel for the applicants submits that if this transfer order is implemented the applicants who are working in Jammu Region or vice versa would face severe financial hardship as they will have to work either in Kashmir or Ladakh and there they will require new accommodation and other life supporting items which will be difficult for the applicants to manage with their meagre salary. He further submits that the post of Followers is a District Cadre post.

3. On the other hand, learned D.A.G submitted that the applicants were transferred in accordance with rules and policy of the respondent-department. It was argued by D.A.G. that the applicants have neither vested right to remain posted at one place of choice nor can they insist to be posted at a particular place. It was submitted that the transfer of the applicants was made purely in the exigencies of work. Therefore, the impugned order does not violate any right of the applicants, as such, the OA is not maintainable and be dismissed. It was also argued by learned D.A.G that the impugned order is not vitiated with malafides, or issued in violation of any statutory provision or

passed by an authority not competent to pass such order, as such, the O.A. being meritless deserves to be dismissed.

4. We have heard Mr. Sheikh Hilal, learned counsel for the applicants and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.

5. Looking to the facts and circumstances of the case, we dispose of the O.A. with direction to the respondents to go into the question whether the post held by the applicants is a District Cadre post or not and pass a reasoned and speaking order in this regard within a period of seven days. Till then, if the applicants have not been relieved, they will not be relieved for a period of seven days.

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

7. Learned D.A.G. is directed to inform the respondents regarding the order passed today.

**(ANAND MATHUR)**  
**MEMBER (A)**

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**

*Manish/Shashi/Arun*

