



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5096/2020  
(S.W.P. No.640/2017)

Tuesday, this the 23<sup>rd</sup> day of February, 2021

(Through Video Conferencing)

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

Mohammad Ibrahim, Aged about 49 years, S/o Ghulam  
Mohammad, R/o Trespon, Teh. Sankoo Distt. Kargil.

.. Applicant  
(Through Mr. Mohammad Ismail, Advocate)

### **Versus**

1. State of J&K through Commissioner/Secretary Medical Department, Civil Secretariat Jammu/Srinagar.
2. Director Health Department, Kashmir.
3. Deputy Commissioner/CEO LAHDC Kargil.
4. Chief Medical Officer, Kargil.

.. Respondents

(Through Mr. Raghu Mehta, Senior Central Govt. Standing  
Counsel and Mr. Rajesh Thapa, Deputy Advocate General for Mr.  
Amit Gupta, Additional Advocate General)



## **ORDER (ORAL)**

### **Justice L. Narasimha Reddy:**

The applicant was working as Pharmacist in the Medical Department of the Jammu and Kashmir, and was posted to a place nearby Kargil. It is stated that he is suffering from Medical Depressive Disorder and is steroid dependent. He is also said to be having a tendency to commit suicide under depression, and in the recent past, he was treated at the Govt. Psychiatric Diseases Hospital, Srinagar. Citing the nature of treatment he has received and the type of ailments, he is said to be suffering, the applicant submitted a representation to the Govt. with a request to transfer him at an appropriate place. His grievance is that no steps have been taken thereon. He filed SWP No.640/2017 before the Hon'ble High Court of Jammu and Kashmir, with a prayer to direct the respondents to take steps accordingly.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 5096/2020.

3. Today, we heard Mr. Mohammad Ismail, learned counsel for the applicant, and Mr. Raghu Mehta, learned Senior Central Govt. Standing Counsel and Mr. Rajesh Thapa, learned Deputy Advocate General for Mr. Amit Gupta, learned Additional Advocate General.

4. The applicant states that he is suffering from serious ailments and that it would be difficult for him to work at a place, to which he is posted. A detailed narration is made on the steps said to have been taken for his treatment etc. The question as to whether the applicant is suffering from any serious ailments and if so, whether there exists any facility for transfer of such employees to any place, needs to be examined by the respondents. The Tribunal cannot address any view on such aspects.

5. We, therefore, dispose of the T.A., directing the respondents to pass appropriate orders on the representation said to have been made by the applicant regarding conducting of a Medical Board and issuance of orders of posting, within a period of three months from the date of receipt of a copy of this order. To facilitate prompt action, the applicant shall enclose the copies of the representation(s) made by him with the order passed in this T.A., and submit it to the authorities, within two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

**( Pradeep Kumar )**  
**Member (A)**

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

**February 23, 2021**  
/sd/sunil/jyoti/dsn