



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5134/2020
(S.W.P. No.689/2017)

Tuesday, this the 23rd day of February, 2021

(Through Video Conferencing)

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

Riyaz Ahmad Dar, age 49 years, S/o Ab Salam Dar, R/o Waripora Karhama, Baramullah.

.. Applicant
(Through Mr. I Sofi, Advocate)

Versus

1. State of Jammu and Kashmir, Through Commissioner/Secretary to Govt. Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director School Education, Kashmir, Srinagar.
3. Zonal Education Officer, Budgam.
4. Zonal Education Officer, Magam.
5. Noor Mohd Bhat, Master, C/o Zonal Education Officer Magam.

.. Respondents

(Through Mr. Rajesh Thapa, Deputy Advocate General for Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)**Justice L. Narasimha Reddy:**

The applicant was working as a Teacher in the Education Department of State of Jammu and Kashmir. He was working in the Middle School of Khud Lassipora, District Budgam. Through an order dated 27.02.2017, he was transferred to a Middle School Goonipora, Kunzar Zone in Baramullah District. He is said to have been relieved on 07.03.2017. However, he reported to duty at the Middle School, Baramullah and started putting his signature in attendance register, on his own accord. The Zonal Education Officer, Magam, addressed a letter dated 15.04.2017 to the Chief Education Officer, Budgam, stating that the applicant is forcibly working in an Institution at Badran, without there being any endorsement from the office of the Chief Education Officer, and requested for necessary steps in this behalf. The applicant filed SWP No. 689/2017 before the Hon'ble High Court of Jammu and Kashmir, challenging the letter dated 15.04.2017.

2. The Hon'ble High Court passed an interim order on 18.04.2017, directing that the applicant shall be permitted to continue in the Middle School, Badran and to make necessary arrangement in this behalf. The Zonal Education Officer, Magam, was also directed to submit a compliance report. In the



compliance report, it is stated that the applicant is being continued in compliance with the order dated 18.04.2017.

3. 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. 5134/2020.

4. Today, we heard Mr. I. Sofi, learned counsel for the applicant and Mr. Rajesh Thapa, learned Deputy Advocate General for Mr. Amit Gupta, learned Additional Advocate General.

5. A small issue as regards the procedure in the context of transfer of employees was blown beyond proportion. There appears to be some uncertainty in the transfer and posting against the vacancy that existed in BMS, Badran, where one Mr. Noor Mohammad Bhat, Master, was working on the basis of the endorsement made by the Chief Education Officer. The applicant, no doubt, was transferred through an order dated 25.03.2017 issued by the Director of School Education. The Director addressed the proceeding to the Zonal Education Officer, Magam. Unless the Zonal Education Officer took note of the situation and made necessary arrangement, the posting cannot become operative. Further, the order dated 25.03.2017 was not the one, through which the routine transfers were made. The subject itself is about 'Redressal of grievances'. Though the

Director happens to be ultimate authority in the context of transfers, the implementation has to take place in the hierarchy of the Department. If any inconsistency or complications are noticed, the same need to be dealt with by the concerned authority. The applicant cannot be said to have suffered any serious grievance on account of the correspondence between the Zonal Officer and the Chief Education Officer. At any rate, the applicant is working at BMS, Badran, on the strength of the interim order passed by the Hon'ble High Court.

6. We, therefore, dispose of the T.A., leaving it open to the authorities of the Education Department to take corrective steps, if it becomes necessary. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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