

Item No. 6



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 5362/2020
(SWP No.1129/2017)

Tuesday, this the 2nd day of March, 2021

(Through Video Conferencing)

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

1. Zubair Rashid Dar (Age 33 years)
s/o Abdul Rashid Dar
r/o Maidanpora, Lolab Kupwara
2. Khursheed Ahmad Khan (Age 40 years)
s/o Mohammad Rafiq Khan
r/o Cheepora, Lolab, Kupwara

..Applicants

(*Nemo* for applicants)

Versus

1. State of Jammu and Kashmir, through
Commissioner/Secretary to Government, Medical
Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director,
School Education, Kashmir, Srinagar
3. Chief Education Officer, Kupwara
4. Zonal Education Officer, Khumriyal
5. Headmaster, Govt. UP School Shalgund
6. Headmaster,
Govt. Primary School,
Check Warnow, Kupwara

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

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

The applicants were appointed as *Rehbar-e-Taleem* (ReT) Teacher in the Education Department of Jammu & Kashmir. Later on, their services were regularized. As a measure of rationalization, they have been posted at different places in the year 2016. The Chief Education Officer, Kupwara is said to have visited the schools on 07.05.2017 where the applicants were supposed to work. On finding that the applicants and certain others were not on duty, an order was passed on 07.05.2017, suspending them. Thereafter, an order was issued on 19.05.2017, requiring them to explain within three days as to why necessary action be not taken against them. Earlier to that, they were also relieved on 03.05.2017 and 06.05.2017 from the respective places.

2. The applicants filed SWP No.1129/2017 before the Hon'ble High Court of Jammu & Kashmir, challenging the order dated 19.05.2017 and the relieving orders 03.05.2017 & 06.05.2017. They pleaded that they were transferred to other places contrary to rules and even before the issue was settled, they were placed under suspension. The Hon'ble High Court passed an interim order dated 20.06.2017 directing the respondents to maintain the status quo.

3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.5362/2020.

4. Today, when the case is listed, there is no representation for the applicants. We heard Mr. Amit Gupta, learned Additional Advocate General and perused the records.



5. The SWP has arisen out of certain steps taken by the Government in the context of posting of the applicants and their default in joining the duty in the schools, to which they were transferred. An interim order of status quo was passed by the Hon'ble High Court on 20.06.2017. Since it is an order of suspension, status quo would only mean that the applicants would continue to be under suspension. The reason is that an order of suspension comes into effect as soon as it is passed, unlike any other order, which would take effect only after the service. Further, more than three years have elapsed ever since the interim order was passed. Even if the applicants are continuing at the same place on the strength of the interim order, a fresh look needs to be taken, in accordance with the existing norms and needs.

6. We, therefore, dismiss the T.A. and vacate the interim order dated 20.06.2017, leaving it open to the respondents to

pass a fresh appropriate order as regards the posting of the applicants.

There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 2, 2021
/dkm/sd/sunil/jyoti/