



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No.7114/2020  
S.W.P. No.1152/2016

Thursday, this the 18<sup>th</sup>day of February, 2021

(Through Video Conferencing)

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

Abdul QayoomWani, age 55 years, S/o SonaullahWani, R/o Wussan, Bangil, Tangmarg, Baramulla.

.. Applicant  
(None)

### **Versus**

1. State of J&K through Commissioner/Secretary to Government, School Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director School Education, Kashmir, Srinagar.
3. Chief Education officer, Baramulla.
4. Headmaster, Government Boys Secondary School, Ogmuna.
5. Project Director, SSA, J&K, Jammu/Srinagar.

.. Respondents

(Through Mr. Sudesh Magotra, Deputy Advocate General)

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

The applicant is working as Head Master in the Directorate of School Education. He was transferred from one institution to another, through an order dated 02.02.2016. He did not join the place to which he was transferred. He filed SWP Nos. 167/2016 and 199/2016, challenging the orders of transfer and relieving respectively. Both the Writ Petitions were dismissed on 04.03.2016. Thereupon, the applicant filed an LPA Nos.17 and 18/2016. They were dismissed on 05.04.2016. He filed an application for grant of medical leave for a period of one month, during which, he was absent. That was rejected through an order dated 25.06.2016 by the department. Feeling aggrieved by the rejection, the applicant filed SWP No. 1152/2016 before the Hon'ble High Court of Jammu and Kashmir at Srinagar,.

2. The applicant pleaded that the absence was on account of the factors beyond his control and that he was entitled to be granted the medical leave. An interim order dated 02.06.2016 was passed by the High Court, directing the respondents to reconsider the request made by the applicant.

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. 7114/2020.

4. There is no representation for the applicant. Today, we heard Mr. Sudesh Magotra, learned Deputy Advocate General for respondents.

5. From the record, it appears that the applicant is an office bearer of the Teachers' Union. When he was transferred in February 2016, he felt aggrieved and pursued the remedies before the Hon'ble High Court. In the process, he did not join duties for a period of one month. The application submitted by him to treat the leave on medical grounds was rejected. The reasons for rejection were also mentioned.

6. In compliance with the interim order passed by the Hon'ble High Court on 02.06.2016, the respondents passed an order dated 25.06.2016. Elaborate reasons were mentioned and it is stated that even on a reconsideration of the matter, they are not inclined to grant leave and it was rejected. By all means, the applicant may have retired from



service. Even on merits also, we are not convinced that the applicant made any request for grant of leave.

7. It is always in the discretion of the Appointing Authority whether or not to grant leave. Further, the applicant, being the Head of the Institution, was required to act with a sense of responsibility. He cannot put his union activities above the need to educate the children in Government Schools.

8. We do not find any merit in the TA. It is accordingly dismissed. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

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

/jyoti/ankit/dsn