

Item No.11



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.8000/2020
S.W.P. No.780/2016

Thursday, this the 18th day of February, 2021

(Through Video Conferencing)

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

Tariq Ahmad Bhat aged 29 years, S/o Ab. Satar Bhat, R/o
Tralpayeen, Pulwama.

.. Applicant

(None)

Versus

1. State of Jammu and Kashmir through
Commissioner/Secretary to Govt. Higher and Technical
Education Department Civil Sectt. Srinagar/Jammu.
2. Director, Department of Technical Education, Civil Sectt.
Srinagar/Jammu.
3. Dy. Director, Directorate of Technical Education Kashmir
Province, Srinagar.
4. Superintendent, Industrial Training (ITI), Tral.

.. Respondents

(Through Mr. Sudesh Magotra, Deputy Advocate General)

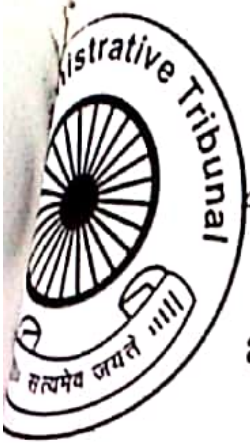
ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant was appointed as Vocational Instructor of Maths and Science in ITI, at Tral in the year 2012. That post was initially part of women ITI at Bemina, and was attached to ITI, Tral. Through an order dated 28.02.2016, the Director of Technical Education, restored the post to Women ITI, Bemina. The applicant filed SWP No. 780/2016, before the Hon'ble High Court of Jammu and Kashmir at Srinagar, challenging the said order. According to him, an advertisement was issued by indicating the place of posting at Tral, and there was no justification for the respondents in shifting it to Bemina. An interim order was passed on 12.04.2016, directing that the Writ Petition shall be posted along with SWP No. 1149/2013 and that the status quo passed in that Writ Petition shall be implemented.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jam

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



4. This is not a case in which the appointment of the applicant was set aside. It is true that the applicant was appointed as Vocational Instructor and posted in ITI, Tral. The fact, however, remains that the post held by the applicant, was on the establishment of the Women ITI, Bemina, and it was only a temporary arrangement when it was attached to ITI, Tral. The applicant cannot be said to have suffered by any serious detriment inasmuch as he was not removed from that post. To protect the interest of the applicant, it can be directed that he shall be transferred to ITI, Bemina, along with the post. We are informed that the distance between the Tral and Bemina, is not much.

5. We, therefore, dispose of this TA refusing to interfere with the impugned order, but directing that the applicant is entitled to work in the said post and depending upon the transfer policy, appropriate orders shall be issued as regards the transfer of the applicant also. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimna Reddy)
Chairman