



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.8699/2020
(S.W.P. No.892/2018)

Wednesday, this the 24th day of February, 2021

(Through Video Conferencing)

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

Dr. Mushtaq Ahmad Aga
(aged about 45 years)
s/o Bashir Ahmad Aga
r/o Kulangam Handwara
presently residing at MIG Colony
Bemina (Place of Posting Government Unani
Hospital, Shalteng Srinagar)

.. Applicant

(Ms. Saima Mehboob, Advocate)

Versus

1. State of Jammu & Kashmir through
Principal Secretary to Govt. Health and
Medical Education Department Civil
Secretariat, Jammu/Srinagar
2. Director, India System of Medicine Indra
Chowk, Jammu
3. Deputy Director, ISM Kashmir Srinagar
4. Assistant District Medical Officer, ISM&H
Srinagar/Budgam
5. Office In-Charge, Govt. Unani
Hospital, Shalteng, Srinagar
6. Dr. Jabeen Ishaq w/o Mufti Umer

r/o Parray Pora Srinagar,
presently posted at
ISM Unani Hospital Shahteng HMT Srinagar

.. Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was appointed as Medical Officer (Unani) and posted at to Indian System of Medicine (ISM) Dispensary, Fateh Kadal, Srinagar. However, in the year 2018, as part of rationalization of staff and postings, the applicant was shifted to Government Unani Hospital, Shalteng, Srinagar, on 'run on internal arrangement basis', along with the post. Within one month thereafter, such arrangement was cancelled, and through order dated 23.04.2018, the applicant was shifted to the original place of posting. Challenging the same, the applicant filed SWP No.892/2018 in the Hon'ble High Court of Jammu & Kashmir, by raising several grounds. An interim order dated 02.11.2018 was passed by the Hon'ble High Court to enable the applicant to remain in Srinagar, pending the SWP.

2. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as T.A. No.8699/2020.

3. Today, we heard Ms. Saima Mehboob, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General, through video conferencing.

4. It is not in dispute that the applicant was posted in a Unit at Fateh Kadal, Srinagar. It is only as a measure of rationalization or to attend the needs of the establishment, that the applicant was shifted to a hospital in Srinagar. However, for whatever reasons, that arrangement was set at naught, within one month. No right can said to be accrued to the applicant on account of such posting.

5. Be that as it may, two years have elapsed ever since the Hon'ble High Court passed an interim order and the applicant is continuing at that place. Now, the competent authority can take a decision as regards the posting of the applicant in accordance with the relevant provisions of law.

6. We, therefore, dispose of the T.A., leaving it open to the competent authority to post the applicant in accordance with the relevant provisions of law, within two months from the date of receipt of a copy of this order. Till such order is passed, the



existing arrangement shall continue. We make it clear that we have not expressed any opinion on the merits of the matter.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 24, 2021

/sunil/jyoti/dsn