



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.158/2021
(S.W.P. No.938/2012)

Monday, this the 18th day of January, 2021

(Through Video Conferencing)

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

1. Nasreen Akhter W/o Fayaz Ahamed, R/o Choolan Kalsan Uri Aged – 36 years.
2. Fiyaz Ahmad, R/o Mohd Rashid Jog, R/o Choolan Kalsan Uri, Aged -41years.

..Applicants

(*Nemo* for applicants)

Versus

1. State of Jammu and Kashmir through Education Department, Civil Secretariat, Jammu/SGR
2. Director School Education, Kashmir, Srinagar.
3. Chief Education Officer, Baramulla.
4. Zonal Education Officer, Chandanwari.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

Ο R D E R (ORAL)



Mr. Justice L. Narasimha Reddy:

The applicants were initially appointed as *Rehbar-e-Taleem* (ReT) Teachers, with reference to specific Institutions. However, they were posted outside the units, on their request. Recently, in the year 2020, a decision was taken to ensure that the teachers are made to work in their respective units of appointment. As a result, the applicants were relieved from the Schools in Chandanwari District, and they were directed to report duties to their original place of posting. Challenging the same, the applicants filed SWP No.938/2012 before the Hon'ble High Court of Jammu & Kashmir. An interim order was passed by the Hon'ble High Court on 09.05.2012, staying the impugned order.

2. The Writ Petition has since been transferred to this Tribunal in view of re-organization of the State of Jammu & Kashmir, and renumbered as T.A. No.158/2021.

3. There is no representation from the applicants. Today, we heard Mr. Rajesh Thapa, learned Deputy Advocate General, for the respondents, through video conferencing.



4. The Hon'ble High Court stayed the operation of the order of transfer in the year 2012. Even if there existed anything wrong in the order of transfer, the applicants would not be entitled to remain at the same place almost for a decade. Much would depend upon their entitlement, according to the relevant Rules and the exigencies of service.

5. We, therefore, dispose of the T.A., leaving it open to the respondents to pass appropriate orders as regards the posting of the applicants. The interim order shall stand vacated. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 18, 2021
/sunil/dsn/sd/shakhi