

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.1153/2020
(S.W.P. No.499/2019)

Thursday, this the 4th day of March, 2021

(Through Video Conferencing)

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

Syed Zahoor, aged 57 years
s/o Syed Qasim
r/o Lal Bazar Srinagar

.. Applicant

(Mr. Ali Javed, Advocate for Mr. J A Kawoosa, Advocate)

Versus

1. State of Jammu & Kashmir through Commissioner /Secretary to Govt., Public Works (R&B) Department Civil Sectt., Srinagar/Jammu
2. Commissioner/Secretary to Government, Tourism Department, Civil Sectt., Srinagar/Jammu
3. Director Tourism Kashmir Srinagar
4. Mr. Gurmet Singh, I/C Executive Engineer (Civil), c/o Commissioner/Secretary to Govt. Tourism Department, Civil Sectt. Jammu/Srinagar

.. Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Executive Engineer in Public Works (R & B) Department. He was sent on deputation to

Tourism Department, through order dated 21.02.2019 and he took charge on 02.03.2019. Thereafter, the Commissioner/Secretary to the Government, Tourism Department passed an order dated 08.03.2019, posting six In-charge Executive Engineers, including the applicant herein. He was posted in the Pahalgam Development Authority against the available vacancy. Challenging the same, the applicant filed SWP No.499/2019 before the Hon'ble High Court of Jammu & Kashmir. According to him, the Secretary to Government, Tourism Department is not competent to transfer him. Certain other grounds were also urged. The Hon'ble High Court passed an interim order dated 11.03.2019, directing that the status of the applicant as Deputy Director Tourism (Maintenance & Works) shall not be disturbed.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.1153/2020.

4. Today, we heard Mr. Ali Javid for Mr. J A Kawoosa, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.

5. It is a matter of record that the applicant is basically an employee of Public Works (R&B) Department. It is on deputation, that he came to the Tourism Department. Once he comes on deputation to a particular Department, he would be

under their administrative control. The question of the authorities of Public Works (R & B) Department, directing the internal posting of the Tourism Department, does not arise. If the applicant is facing any inconvenience in the Tourism Department due to posting, it is always to him to go back to the Public Works (R & B) Department. He cannot dictate terms to the Tourism Department, once he came on deputation.

6. We do not find any merit in this T.A. It is accordingly dismissed and the interim order is vacated. It is left open to the applicant either to accept the posting of the Tourism Department or to seek repatriation to the parent organization. We also make it clear that if he has got any grievance about the posting with the Tourism Department, it shall be open to him to make a representation, to the authorities of that Department.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 4, 2021
/dkm/sd/sunil/jyoti/