

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.1170/2020
(S.W.P. No.462/2019)

Tuesday, this the 06th day of April, 2021

(Through Video Conferencing)

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

Dr. Nazir Ahmad Bhat, Aged 52 years,
S/o Ghulam Mohammad Bhat,
R/o Hafro Batapora, Chadoora Budgam

..Applicant

(Nemo for applicant)

VERSUS

1. State of Jammu and Kashmir through
Principal Secretary to Govt,
Health and Medical Education Department,
Civil Secretariat Srinagar/Jammu
2. Director,
Health Services Kashmir
Srinagar
3. Chief Medical Officer,
Kupwara
4. Dr. Riyaz Ahmad War,
Medical Officer,
District Hospital Baramulla.

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

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

The applicant was appointed as Assistant Surgeon/Medical Officer in the Health & Medical Education Department in the year 2005. He worked at several places. At one stage, he was appointed as In-charge Block Medical Officer in the year 2015 at Langate. The applicant states that though there were several serious to him, he was transferred as In-charge Block Medical Officer, Langate, through order dated 09.09.2015. At that stage, he filed SWP No.86/2018 before the Hon'ble High Court of Jammu & Kashmir. That was disposed of on 17.01.2018, directing the respondents to consider his claim in accordance with the rules governing the field.

2. The Government issued an order dated 01.03.2019, directing substantial change of the establishments of various hospitals. As many as 62 Medical Officers were posted to different place. The applicant was transferred as Medical Officer, SDH, Sogam. Feeling aggrieved, he filed SWP No.462/2019 before the Hon'ble High Court, challenging the said order. An interim order was passed by the Hon'ble High Court, staying the impugned order dated 01.03.2019.

3. The applicant contends that he was promoted as Block Medical Officer on in-charge basis recognizing his seniority and the impugned order was passed, reverting him to the post of Medical Officer.



4. The record discloses that the respondents did not file any counter affidavit.

5. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.1180/2020.

6. Today, there is no representation for the applicant and we heard Mr. Amit Gupta, learned Additional Advocate General; and perused the record.

7. The challenge in the SWP was to an order of transfer, whereunder 62 Medical Officers are transferred to different places. The applicant was working as In-charge Block Medical Officer at Langate from 2015 onwards. It is, no doubt, true that he was holding the post of Block Medical Officer on in-charge basis. The fact, however, remains that in-charge arrangement is only temporary in nature and is liable to be altered at any stage.

The substantive post held by the applicant is Medical officer and the impugned order does not give effect to disturb his position. The paramount consideration of the Department was extension of medical services to the needy public. An issue pertaining to seniority for promotion can be worked out separately by the applicant. We do not find any basis to interfere with the impugned order.



8. The T.A is accordingly dismissed. The Interim order passed by the Hon'ble High Court shall stand vacated. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 6, 2021
/sunil/rk/dsn