



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.230/2021
(S.W.P. No.1549/2018)

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)

Sumaira Ashraf (age 37 years)
w/o Dr. Manzoor Ahmad Mir
r/o Trehgam, Kupwara
at present Umerabad Zainakote, Srinagar

.. Applicant

(Mohd. Bhat Fayaz Ahmad, Advocate)

Versus

1. State of Jammu & Kashmir through
Secretary to Govt,
School Education Department, Civil Secretariat
Jammu/Srinagar
2. Director, School Education Kashmir, Srinagar
3. Chief Education Officer, Kupwara
4. Chief Education Officer, Srinagar
5. Zonal Education Officer Trehgam, Kupwara
6. Zonal Education Officer Batamaloo, Srinagar

.. Respondents

(Through Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)**Justice L. Narasimha Reddy:**

The applicant was appointed as *Rehbar-e-Taleem* (ReT) Teacher in the year 2007 and adjusted in GPS Dolipora Zone Trehgam of District Kupwara. Thereafter, she was regularized in the year 2012. On a request made by her, she was deployed in Srinagar District, Zone Batmaloo, Govt. Middle School Shalteng on 20.06.2017. The Government issued a Circular dated 06.07.2018, directing restoration of the Teachers to their respective Units of appointment. Feeling aggrieved, the applicant filed SWP No. 1549/2018 before the Hon'ble High Court of Jammu & Kashmir, challenging the Circular dated 06.07.2018.

2. According to the applicant, the deployment in Srinagar District is warranted on account of her health conditions and even according to the policy guidelines, she is entitled to remain in that District.

3. The respondents filed a detailed counter affidavit opposing the SWP. It is stated that the deployment of the applicant was for a limited period and subject to certain conditions, and it cannot be a permanent arrangement.

4. 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.230/2021.

5. Today, we heard Mr. Bhat Fayaz Ahmad, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General, through video conferencing.

6. There was hardly any consistency in the policy of the Government regarding deployment of Teachers and other staff from one Unit of appointment to another. At least, in the recent past, efforts are being made to ensure that the employees are made to work in the Units, where they were appointed. It hardly needs any mention that wherever extraordinary situation arises, their cases can be considered to the extent the norms permit. We do not find any basis to interfere with the impugned Circular dated 06.07.2018. However, it shall be open to the applicant to make a representation as regards her deployment in Srinagar District or at any other place, and the respondents need to consider the representation on its own merits and in terms of the policy decision.

7. We, therefore, dispose of the T.A. declining to interfere with the Circular dated 06.07.2018, but directing the

respondents that in case the applicant makes a representation for her deployment in Srinagar District, within four weeks, it shall be considered on its own merits and an appropriate order be passed, within two months from the date of receipt of a copy of this order. During that limited time, the applicant shall not be disturbed from the existing place of posting.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 24, 2021

/sunil/jyoti/dsn