



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No. 3359/2021  
(SWP No.1594/2010)

Monday, this the 22<sup>nd</sup> day of February, 2021

(Through Video Conferencing)

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

Tahir Hussain Akhoon, Aged 46 years,  
S/o Akhoon Mohammad Hussain  
R/o Chanchik Kargil.

...Applicant

(Mr. M.Y. Bhatt, Sr. Advocate for the applicant)

### **VERSUS**

1. State of Jammu & Kashmir through Commissioner cum Secretary to Government Information Department, Civil Secretariat, Srinagar/Jammu
2. Ladakh Hill Development, Council through Its Chief Executive Officer (Deputy Commissioner) Kargil.
3. Director Information, Kashmir, Srinagar.
4. Joint Director Information, Kashmir, Srinagar.
5. District Information Officer, Srinagar.
6. Mr. M.A. Beigh, Dark Room Assistant, Photo Unit, Information Department, Srinagar.

...Respondents

(Mr. Amit Gupta, Add. Advocate General, for respondents)

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

The applicant is working as Dark Room Assistant in the Directorate of Information. In the year 2010 he was posted at Srinagar. The administration passed an order dated 29.10.2010 transferring him against the vacancies of Assistant Cameraman, Leh. The 6<sup>th</sup> respondent who was working in the Directorate of Information at Kargil was posted against the vacancy that was occupied by the applicant at Srinagar. Challenging the order of transfer, the applicant filed SWP. 1594/2010 before the Hon'ble High Court of Jammu & Kashmir. The applicant has raised several grounds and challenged the order of transfer. The Hon'ble High Court passed an interim order in favour of the applicant dated 23.11.2010.

2. The respondents filed a reply stating the circumstances under which the order of transfer was passed.
  
3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu and Kashmir and re-numbered as TA No. 3359/2021.
  
4. Today, we heard Mr. M.Y. Bhatt, learned Senior Advocate for the applicant, and Mr. Amit Gupta, learned Addl. Advocate General, on behalf of the respondents, and perused the records.



5. It was purely as an administrative measure, that the transfer of four employees in the department was effected. Out of them, three were already holding the post of Dark Room Assistant, and one Mr. Sunil Koul was promoted to that post. The applicant represented before the Hon'ble High Court that the 6<sup>th</sup> respondent Mr. M.A. Baig was promoted and transferred against the vacancy held by him, i.e., the applicant. A perusal of the interim order discloses that the direction was also issued to stay the promotion. In fact the 6<sup>th</sup> respondent was not promoted at all.

6. Be that as it may, 11 years have elapsed, since the Hon'ble High Court stayed the routine matter of transfer. The applicant had the benefit of stay, to remain at the same place. The problem which the department has suffered on account of such continuous service at the same place, is not difficult to imagine. We do not find any merit in the TA and the same is accordingly dismissed. Interim order shall stand vacated.

There shall be no order as to costs.

**( Pradeep Kumar) ( Justice L. Narasimha Reddy )**  
**Member (A) Chairman**

**February 22, 2021**  
/sunil/akshaya/sd

