

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.62/2610/2020 (SWP.No.579/2016)

This the 15th day of December, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**



1. Zahoor Ahmad Mir, aged about 30 years, S/o Mr. Khazir Mohammad Mir, R/o Maidanpora Lolab, District- Kupwara.

.....Applicant
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(Advocate:- Mr. Z.A. Wani-**Not Present**)

Versus

1. The State of jammu & Kashmir, through Commissioner/Secreary to Govt. Education Department, Civil Sectt. Jammu and Kashmir, Srinagar.
2. Director, School Education, Kashmir, Srinagar.
3. Deputy Commissioner, Kupwara.
4. Chief Education officer, Kupwara.
5. Zonal Education Officer, Khumriyal, Kupwara.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, D.A.G)

ORDER

[O R A L]

Justice L. Narasimha Reddy, Chairman: -



The applicant was working as RET Teacher in the office of the Zonal Education Officer, Khumeriyal. In the State of Jammu & Kashmir, several Teachers, who are appointed in one unit were deployed or posted in other units based on personal grounds. A policy decision was taken in the year 2016 to re-deploy the Teachers in their units of appointment, vide order dated 11.03.2016. The applicant is said to have been relieved on 15.03.2016. Challenging the two orders dated 11.03.2016 and 15.03.2016, the applicant filed SWP.No.579/2016 before the Hon'ble High Court of Jammu & Kashmir, by raising several other grounds. An interim order was passed on 23.03.2016, directing that the applicant shall continue to remain in the same place.

2. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA.No.2610/2020.

3. There is no representation on behalf of the Applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.



4. In a large number of cases, the policy decision taken by the Government for redeployment of Teachers to the units of their appointment was challenged. In several cases, interim orders are also operating for the past several years. The writ petitions were transferred to the Tribunal. Taking note of the fact that the decision in other units was only on grounds of personal inconvenience, we declined to interfere with the policy and left it open to the concerned Teachers to make a representation regarding posting, if the grievance still subsists.

5. We, therefore, dispose of the TA declining to interfere with the policy decision of redeployment of Teachers to the place of their original appointment. In case, the applicant feels that he deserves to be continued at the present place of posting, it shall be open to him to make a representation within four weeks. The concerned authority in turn shall pass orders within four weeks thereafter. Till such time, the interim order passed by the Hon'ble High Court on 23.03.2016, shall remain in force. If the representation is not made within four weeks, the interim order shall stand vacated and it shall be open to the respondents to shift the applicant to the concerned place. There shall be no order as to costs.

(MOHD JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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