

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.442/2021  
(S.W.P. No.864/2009)

Tuesday, this the 06<sup>th</sup> day of April, 2021

(Through Video Conferencing)

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

Tabasum Khan  
D/o Ghulam Mohammad Khan,  
R/o Baramulla, Age 39 years

..Applicant

(None)

VERSUS

1. State of Jammu and Kashmir through Secretary to Government, School Education Department, Civil Secretariat Srinagar.
2. Director, School Education Kashmir, Srinagar.
3. Chief Education Officer, Budgam.
4. Zonal Education Officer, Budgam.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

### ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant was working as a Teacher in the Government Girls High School Barazulla. Through an order dated 06.12.2006, she was promoted to the post of Master and transferred to District Baramulla. However, she did not report to duty. After



waiting almost for one and half years, the Directorate of School Education, Kashmir, passed an order dated 20.06.2008, cancelling the order of promotion and through the same order, she was promoted *de novo* to the post of Master, pending ratification by the Departmental Promotion Committee (DPC). The ratification was also given through order dated \_\_\_\_\_. The applicant filed SWP No.864/2009 before the Hon'ble High Court of Jammu & Kashmir, challenging the said two orders. According to her, the first order of promotion has to be retained instead of cancelling it, and promote her on *de novo* basis.

2. The respondents filed a detailed counter affidavit. It is stated that the applicant did not join at Barmulla. The order of promotion was liable to be cancelled and accordingly it was done. It is stated that the interest of the applicant was protected initially by promoting her subject to ratification and thereafter on *ad hoc* basis.

3. 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.442/2021.

4. Today, there is no representation for the applicant and we heard Mr. Sudesh Magotra, learned Additional Advocate General; and perused the record.



5. The promotion of the applicant to the post of Master was subject to her being reporting to duty at Baramulla. If she is interested in continuing at the same place, she has to forgo the promotion. Such instances are not uncommon. The respondents gave adequate opportunity to the applicant to join the duty at Baramulla District. Having waited sufficiently, they passed the impugned order, cancelling her promotion to the effect that her promotion would be subject to ratification by the DPC. This became necessary obviously because several factors did not ultimately exist at the place where she was working. This is purely an administrative exercise.

6. We do not find any legal error in the impugned order. The T.A. is accordingly dismissed. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**April 6, 2021**  
**/sunil/rk/**