



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.3652/2020
S.W.P. No.1171/2016

Thursday, this the 18thday of February, 2021

(Through Video Conferencing)

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

Asgar Ali S/o Haji Rustam,
R/o Kharbooz Kargil, Ladakh, aged 53 years.

.. Applicant

(Through Mr. Shuja Ul Haq, Advocate)

Versus

1. State of J&K through Commissioner Secretary to Govt. Education Department, Civil Secretariat, Srinagar/Jammu.
2. Chief Executive Councilor/Chairman LAHDC Kargil.
3. Chief Education Officer LAHDC Kargil.
4. Bintul Huda Razvi teacher C/o Chief Education Officer LAHDC, Kargil.

.. Respondents

(Through Mr. Sudesh Magotra, Deputy Advocate General)

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

The applicant is working as Accounts Assistant in the Girls Higher Secondary School, Kargil. Through an order dated 27.05.2016, he was transferred to Boys Higher Secondary School, Kargil, against a vacant post. Challenging the same, the applicant filed SWP No. 1171/2016 before the Hon'ble High Court of Jammu and Kashmir at Srinagar. He stated that the transfer was ordered just on the directions issued by the Chief Executive Councilor/Chairman, LAHDC, Kargil. The Hon'ble High Court stayed the operation of the impugned order, vide its order dated 03.06.2016.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 3652/2020.



3. Today, we heard Mr. Shuja Ul Haq, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General for respondents.

4. The transfer of the applicant was just from one school to another school in Kargil. However, the applicant felt aggrieved of the fact that the transfer was made on the directions issued by the Chairman of LAHDC, Kargil. Whatever be the legality of the transfer, the fact remains that the applicant is continuing in the same place for the past five years on the strength of the interim order. Now, he can be transferred to any place in accordance with the transfer policy.

6. We, therefore, dismiss the TA, leaving it open to the respondents to pass fresh orders of posting/transfer of the applicant in accordance with the transfer policy. Interim order shall stand vacated. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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