

Item No. 4



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 3856/2020
(SWP No.1167/2017)

Monday, this the 1st day of March, 2021

(Through Video Conferencing)

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

Farooq Ahmad Pir, Const. Aged 48 years
S/o Gh. Nabi Pirr
R/o Drugmulla Kupwara
Belt No.214 EXK991331.

..Applicant

(Mr. Sajad Sarwar Wani, Advocate)

Versus

1. State of J&K,
through Principal Secretary to Government,
Department of Home,
Civil Secretariat, Srinagar/Jammu.
2. Director General of Police
J&K Srinagar/Jammu.
3. Inspector General of Police
Kashmir Zone, Srinagar.
4. Sr. Superintendent of Police
Kupwara.
5. DIG Anantnag Range.

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicant is working as Constable in the Jammu & Kashmir Police. Through an order dated 05.06.2017, the Inspector General of Police, Kashmir ordered routine transfer/posting of 355 employees in the Department. The applicant is one among them. It was also indicated that the employees mentioned in the order shall be deemed to have been relieved. The applicant filed SWP No. 1167/2017 before the Hon'ble High Court of Jammu & Kashmir, challenging the said order, insofar as it relates to him. It is stated that he received a bullet injury and suffered disability to the extent of 75%, and it would be difficult for him to work at the place, to which he was transferred. An interim order was passed on 21.06.2017 by the Hon'ble High Court.

2. The respondents filed a counter affidavit opposing the SWP. It is stated that the transfer was made strictly in accordance with the extant policy and that the applicant has also been relieved from duty on 15.06.2017, but he did not report to the place, to which he was transferred, i.e., Pulwama. It is also stated that earlier he was transferred from Anantnag Range to Kupwara on health grounds and it cannot be a permanent arrangement.

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 T.A. No.3856/2020.

4. Today, there is no representation for the applicant. We heard Mr. Amit Gupta, learned Additional Advocate General, and perused the records.

5. The applicant was transferred along with hundreds of other similarly situated employees. It may be true that on a request made by him, the respondents transferred him from one place to another on medical grounds. However, the transfer so made cannot be a permanent arrangement. In case the applicant is suffering from any disability, the duties of the corresponding nature can be assigned to him. He was transferred to Kupwara in the year 2004. More than one and a half decades have elapsed and it is not at all advisable to continue the applicant at the same place for such a long time, contrary to the policy.

6. We do not find any merit in the T.A. and it is accordingly dismissed. The interim order shall stand vacated. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 1, 2021
/dkm/sd/sunil/jyoti/

