

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

Original Application No. 61/472/2023

This the 10th day of May, 2023

Hon'ble Mr. Suresh Kumar Monga, Member (J)

1. Taj Mohd, Age 42 years, S/o Sh. Nazir Ahmed, R/o Narwal Bala, Jammu-181121.

...Applicant

(Through Advocate: Mr. Vikram Rathore)

Versus

1. UT of Jammu & Kashmir through Commissioner/Secretary to Government, Revenue Department, Civil Secretariat, Jammu-180001.
2. Financial Commissioner, J&K Jammu-180006.
3. Divisional Commissioner, Jammu-180006.
4. Deputy Commissioner, Jammu-180006.

...Respondents

(Through Advocate: Mr. Hunar Gupta, Deputy Advocate General)

ORDER

Learned counsel for the applicant submitted that consequent upon the order of promotion dated 19.02.2015, the applicant was posted to Vigilance Organization, Jammu and after a period of about three months, vide order dated 12.05.2015, he was transferred to the Office of Commissioner, Survey & Land Records, Jammu & Kashmir for further deployment. He was ordered to be repatriated vide order dated 17.09.2015 and directed to report in the Office of Divisional Commissioner, Jammu for further duties





2. On 30.04.2022, the applicant was once again transferred from GQ Kheri C No. 09 Bishnah to GQ Bain Bajalta against available vacancy. He is yet to complete his tenure and again he has been ordered to be transferred from Bain Bajalta to Tehsil Bounjwan, District Kishtwar vide order dated 30.04.2023.

3. Learned counsel further submitted that since the order of applicant's transfer has been passed contrary to the policy guidelines, therefore, he submitted a representation on 06.05.2023 on which no decision has been taken by the respondents.

4. Contention of learned counsel for the applicant is that the applicant has a right to have considered his representation and he will be satisfied, if the present Original Application is disposed of with a direction to respondents to decide his pending representation within a time frame.

5. Keeping in view the aforestated limited prayer made by learned counsel for the applicant, I deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

6. Accordingly, the Original Application is disposed of with a direction to the Divisional Commissioner, Jammu (Respondent No. 3 herein) to decide the applicant's pending representation dated

06.05.2023 and revisit the order dated 30.04.2023 vide which the applicant stands transferred to Tehsil Bounjwan, District Kishtwar. Before taking any decision into the matter, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of a certified copy of this order.



7. So long as the applicant's aforesaid representation remains pending with the Divisional Commissioner, Jammu (Respondent No. 3 herein), he shall be permitted to work at Bain Bajalta.

8. Ordered accordingly.

9. However, there shall be no orders so as to costs.

(Suresh Kumar Monga)
Member (J)

Arun...