
(2019) 07 J&K CK 0022

In the Jammu And Kashmir High Court

Case No : Writ Petition (WP) No. 2298 Of 2019

Abdul Latif Mir

APPELLANT

Vs

State Of Jammu & Kashmir And Others

RESPONDENT

Date of Decision : 18-07-2019

Acts Referred:

Citation : (2019) 07 J&K CK 0022

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : M. A. Beigh, Rais Ud Din Ganai

Final Decision : Dismissed

Judgement

Rajesh Bindal, J

1. The petitioner has approached this court seeking quashing of order dated 11.06.2019, vide which he has been attached with the Directorate of

Urban Local Bodies, Kashmir.

2. Learned counsel for the petitioner submitted that the petitioner is working as In-charge Executive Officer in the Department of Local Bodies. On

31.12.2018 he was transferred to Municipal Committee, Sopore. He took charge of the post on 02.01.2019. On 21.02.2019 the Director, Local Bodies

Kashmir sent a report to the Secretary of the department raising certain issues about the petitioner's working. Prior to that on 12.02.2019 an order

was passed by the Director Local Bodies, Kashmir, directing that the petitioner shall be authorized to make only day to day expenditure as per his

competence whereas other payments/ salary/wages shall be drawn only after getting counter signature of the In-charge Executive Officer, Municipal

Committee, Baramulla. The aforesaid communication was challenged by the

petitioner by filing SWP No. 890/2019. As the authorities were inimical towards the petitioner, he was placed under suspension vide order dated 01.05.2019. Same was challenged by the petitioner by filing SWP No. 1592/2019, wherein vide order dated 08.05.2019, the order of suspension was stayed. Thereafter a fresh suspension order was passed on 09.05.2019 as the earlier order was passed by an incompetent authority. Even that order was also stayed by this Court on 29.05.2019 in WP(C) No. 1895/2019 filed by the petitioner.

3. Learned counsel for the petitioner submitted that the aforesaid facts in series clearly establish that the department is inimical against the petitioner.

It was as a result of this that impugned order dated 11.06.2019 has been passed attaching the petitioner with the Directorate of Urban Local Bodies, Kashmir. In the service jurisprudence, there is no term 'attachment'. It could be transfer or promotion. The petitioner is going to retire within a month and he is unnecessarily being harassed.

4. On the other hand, learned counsel for the respondents submitted that the petitioner is retiring towards the end of July, 2019. On account of various allegations against him, the department had initiated the process of enquiry. The allegations are quite serious. He cannot be allowed to remain at the same place where he was working and there are allegations of misuse of official position against him. Attachment is just a kind of transfer. The petitioner has not been reduced in rank. His salary has not been stopped. In any case vide order dated 08.05.2019 passed in SWP No. 1592/2019, this Court had given liberty to the authorities to take action against the petitioner as is warranted under the Rules .

5. Heard learned counsel for the parties and pursued the paper book.

6. As far as earlier litigation, as has been referred to by the petitioner is concerned, this Court cannot opine on the merits of the controversy raised therein as the same is subject matter of three different writ petitions filed by the petitioner, which are pending. The only challenge raised in the present petition is to the order dated 11.06.2019, whereby the petitioner has been attached with the Directorate of Urban Local Bodies, Kashmir. The petitioner herein is working as In-charge Executive Officer. He was posted at Municipal Committee, Sopore. Prior to that he was compulsorily retired but was re-instated. As there are allegations against the petitioner pertaining to

his working at Sopore, he had to be shifted from that place and considering his age of superannuation, which is stated to be 31st July, 2019, he has been attached to the Directorate of Urban Local Bodies, Kashmir.

He has neither been reduced in rank nor his salary has been stopped.

7. In view of the aforesaid factual circumstances, I do not find any illegality in the order impugned. The writ petition is, accordingly, dismissed.