
(2019) 08 J&K CK 0025

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 3139 Of 2019, CM No. 6485 Of 2019

Iqbal Bano

APPELLANT

Vs

State Of Jammu & Kashmir And Others

RESPONDENT

Date of Decision : 30-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 08 J&K CK 0025

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : G. S. Thakur

Final Decision : Disposed Off

Judgement

Tashi Rabstan, J

1. In the present writ petition, the petitioner seeks a writ of certiorari quashing the order No. 436-SMD of 2019 dated 10.07.2019 qua the petitioner figuring at Sr. No. 77 of District Kishtwar, issued by the State Mission Director, ICDS J&K, whereby the petitioner has been transferred from the office of Child Development Project Officer, Kishtwar to the office of Child Development Project Officer, Paddar. He seeks a further writ of mandamus commanding the respondents to allow the petitioner to discharge her duty as Supervisor in the Child Development Project Officer, Kishtwar, on account of his various ailments including heart patient,

2. It is contended that the petitioner was working as Supervisor in the office of CDPO, Kishtwar, who is suffering from various ailments and undergoing the treatment of Cardiologist at Super Specially Hospital, Jammu and Government Medical College, Jammu. The petitioner also approached the respondents with a request to modify the impugned order of transfer on medical grounds. The District Programme Officer, Kishtwar vide communication dated 22.07.2019 has also forwarded the representation of the petitioner to the State Mission Director,

ICDS, J&K with request for continuation/ retention as Supervisor at CDPO Office Kishtwar on medical grounds, however, the case of the petitioner has not been considered till date, which forced the petitioner to file the present petition.

3. Notice, waived by Mr. Vishal Bharti, learned Dy. AG on behalf of the respondents.

4. Learned counsel for the petitioner submits that the petitioner would be satisfied if the same be disposed of with a direction to the respondents to consider the case of the petitioner for transfer, to which counsel opposite has no objection.

5. Normally, the petitioner filed under Section 226 of the constitution of India, challenging the transfer order cannot be entertained, if the order has been passed by a competent authority or in the interest of administration. However, in the case in hand is that the petitioner is suffering from various ailments.

6. Be that as it may, this petition is disposed of with a direction to the respondent to 2-State Mission Director, ICDS, J&K to consider the representation of the petitioner, which has already been forwarded to him dated 22.07.2019, having regard to the medical certificates. Let the respondent No. 2 pass consideration order within a period of two weeks from the date certified copy of this order, along with complete set of writ petition is made available to him by the petitioner against proper receipt. Till then, status-quo as on date with respect to the position of the petitioner shall be maintained.

7. Disposed of accordingly.