

(2019) 11 J&K CK 0036

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 3453 Of 2019, CM No. 6961 Of 2019

Syed Khursheed Ahmad

APPELLANT

Vs

Union Territory Of Jammu And Kashmir & Ors

RESPONDENT

Date of Decision : 28-11-2019

Acts Referred:

Citation : (2019) 11 J&K CK 0036

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Rehana Fayaz

Final Decision : Dismissed

Judgement

Sanjeev Kumar, J

1) Impugned in this petition is Government Order No.202-PDD of 2019 dated 22.11.2019, whereby the petitioner, I/C Executive Engineer, has been transferred from ED-Ganderbal, KPDCL, and posted as I/C Executive Engineer (E), ED-Anantnag, KPDCL vice Mr. Mohammad Khalil Ahangar.

2) The impugned order has been challenged, primarily, on two counts, one that the petitioner came to be transferred and posted to Ganderbal, on 23rd of January, 2019 and, therefore, impugned order of transfer is premature and, second that the petitioner's wife and son are suffering from different ailments and, therefore, he is required to attend them and by his posting in Anantnag, it would be difficult for him to do so.

3) Having heard learned counsel for the petitioner, I am of the view that the order impugned, which has been passed by the competent authority in the interest of administration, cannot be interfered with, particularly when there are no allegations of mala-fides against the respondents. Simply because petitioner has been prematurely transferred is no ground to interfere with the order of transfer passed by the competent authority in the interests of justice.

4) So far as the ailment of wife and son of the petitioner is concerned, same can only be looked into by the competent authority provided the petitioner approaches them.

5) In view of aforesaid, I do not find any merit in this petition, which is, accordingly, dismissed. However, I leave it open to the petitioner to approach Commissioner/Secretary to Government of J&K, Power Development Department, with a representation highlighting therein his personal difficulties due to ailing health condition of his wife and son. Needless to say, that in case petitioner approaches Commissioner/Secretary to Government of J&K, Power Development Department, decision on merits shall be taken by the said respondent.