

(2025) 11 J&K CK 1807
In the Jammu And Kashmir High Court
Case No : WP(C) No. 3309 Of 2025

UT of J&K and others

APPELLANT

Vs

Ashwani Kumar Katotra

RESPONDENT

Date of Decision : 25-11-2025

Acts Referred:

Citation : (2025) 11 J&K CK 1807

Hon'ble Judges : Arun Palli, CJ;Rajnesh Oswal, J

Bench : Division Bench

Advocate : Raman Sharma, Jagmeet Kour, Abhinav Sharma, Abhirash Sharma

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, J

1. The respondent, a Medical Officer posted at Sub-District Hospital, Bishnah had filed O.A No. 61/1189/2025 before the Central Administrative Tribunal, Jammu (hereinafter to be referred as "the Tribunal") for quashing of the order dated 31.07.2025 issued by petitioner No. 2 transferring him from SDH, Bishnah to CHC Kalakote, and also for quashing order dated 31.07.2025 issued by petitioner No. 4 relieving him from his place of posting at Bishnah.

2. The aforesaid orders were challenged on the grounds that the same were issued in violation of the Cabinet Decision No. 156/12/2010 dated 27.07.2010, followed by Government Order No. 861-GAD of 2010 dated 28.07.2010, which provide that the transfers shall ordinarily be affected in the first month of the financial year i.e. April every year, and premature transfers should be avoided unless necessitated for administrative reasons and when unavoidable in the interest of administration, the same be made with the prior approval of the competent Minister. It was further contended that Government order dated 15.10.2020 mandates strict adherence to the transfer policy and clarifies that any transfer made on the administrative grounds beyond the notified calendar shall require the approval of the Lieutenant Governor.

3. It was contention of the respondent that he was transferred in the middle of the financial year without obtaining approval of the Lieutenant Governor.
4. The petitioners objected to the respondent's claim, asserting that the Health Department is governed by a Special Transfer Policy issued vide Government order No. 210-HME of 2012 dated 13.03.2012 and as per the policy he was due for transfer. It was further contended that the transfer calendar stipulated under the Health Department's transfer policy is not a rigid or mandatory schedule, but it is meant to serve as a guiding framework. It was further stated the action of the petitioner No. 2 in transferring the respondent does not violate the transfer policy as the petitioner No. 2 was fully empowered to transfer the Assistant Surgeon/Medical Officer within the Division and the act of prior approval from the administrative department was undertaken purely out of an abundant caution to keep higher authorities informed, rather than on account of lack of competence.
5. The learned Tribunal vide order dated 24.09.2025 after hearing the parties allowed the O.A preferred by the respondent and quashed both the orders impugned in O.A, however, the petitioners were left free to transfer the respondent, if necessary, after obtaining necessary approval from the Lieutenant Governor and due compliance with the policy provisions.
6. The petitioners have impugned the order dated 24.09.2025 passed by the learned Tribunal on the grounds that the Tribunal has overlooked the adverse impact on patient care and public health while passing the order impugned and that the transfer policy relied upon by the respondent has no statutory backing. It is also contended that the Tribunal has overreached its jurisdiction by interfering with the impugned transfer order issued in administrative exigency and public interest owing to the shortfall of Medical Officers at CHC, Kalakote.
7. Heard learned counsel for the parties and perused the record.
8. It is an axiomatic principle that an employee holds no vested right to tenure at any specific place of posting. While the transfer of the respondent, vide order dated 31.07.2025, was manifestly intended to satisfy administrative exigencies, this action was nonetheless carried out during the currency of the annual transfer calendar and without approval of the Lieutenant Governor.
9. Learned counsel for the parties submit that the orders impugned dated 31.07.2025 were stayed by the learned Tribunal.
10. Even though the transfer policy may lack justiciability, its purpose is to prohibit arbitrariness and ensure fairness when affecting transfers of employees. As per the policy, any transfer on administrative grounds falling outside the notified calendar period shall be affected only upon securing the requisite prior approval of Lieutenant Governor. The petitioners have offered no justification for ignoring that requisite. The order impugned was passed on 25.09.2025 and this writ petition has been filed only on 08.11.2024. If the petitioners were so concerned about the welfare of the public, they could have issued fresh order,

after seeking approval from the competent authority.

11. Mr. Raman Sharma, learned AAG, has submitted that the petitioners could have also sought the approval of the Lieutenant Governor in respect of the order dated 31.07.2025 as well. In that view of the matter, we are not inclined to show any indulgence, more particularly in view of the fact that liberty has been granted to the petitioners to pass fresh orders after seeking prior approval from the Lieutenant Governor.

12. The petition is found to be without any merit and is disposed of with the observations made above.