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Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat Jammu/Srinagar

Subject:- Er. Farooq Ahmad Purzagar Vs. Union Territory of Jammu and Kashmir and Others.

Government Order No:- 222 PW(R&B) of 2021
D a t e d: 12 -07-2021

Whereas Er. Farooq Ahmad Purzagar is working as I/c Assistant Executive Engineer (Civil) in the Public Works (R&B) Department.

Whereas Er. Farooq Ahmad Purzagar I/c AEE posted in PMGSY Division Ganderbal (Sub-Division, Kangan) against available vacancy vide Government Order No. 166-PW(R&B) of 2019 dated 08-03-2019, and had a mature stay i.e. more than 2 years ;and

Whereas in the interest of administration Er. Farooq Ahmad Purzagar I/c Assistant Executive Engineer was transferred from PMGSY, Division, Ganderbal to R&B Division Kupwara, vide Government Order No. 197-PW(R&B) of 2021 dated 14-06-2021, after more than two years as per transfer policy in vogue ; and

Whereas, the post of Assistant Executive Engineer is a UT cadre post and the petitioner being I/c Assistant Executive Engineer (Civil) has been posted within Union Territory; and

Whereas aggrieved of the above action, Er. Farooq Ahmad Purzagar, I/c Assistant Executive Engineer(Civil) filed petition by way of application before the Hon'ble CAT, the petitioner prayed that an order or direction directing the respondents to set-aside the order No. 197-PW(R&B) of 2021 dated 14-06-2021, or in alternative commanding HoD to post the applicant in Srinagar, district in the interest of justice; and

Whereas, the applicant stated that he has made a representation to the authorities to re-consider his transfer to Kupwara; and

Whereas, no such representation has been received in the Administrative Department. However, a copy of representation submitted before Executive Engineer, PMGSY, Division Ganderbal by the applicant on 15-06-2021, has been appended with the petition submitted before Hon'ble Court of CAT; and

Whereas, No employee can claim posting of his choice nor can challenge the order of his employer transferring him/her in the interest of administration; and

Whereas, vide Government Order No. 861-GAD of 2010 dated 28-07-2021, the Government has notified the transfer policy for Government employees which

inter-alia provides that the minimum tenure of a Government employee on a post shall be two years and a maximum of three years.

Now therefore, the case has been examined in the department and it has been found that the claim of petitioner does not merit considered as no employee can claim posting of his choice nor can challenge the orders of his employer, transferring him/her in the interest of administration. Hence the plea of the applicant is rejected, accordingly.

By order of the Government of Jammu and Kashmir.

Sd/-

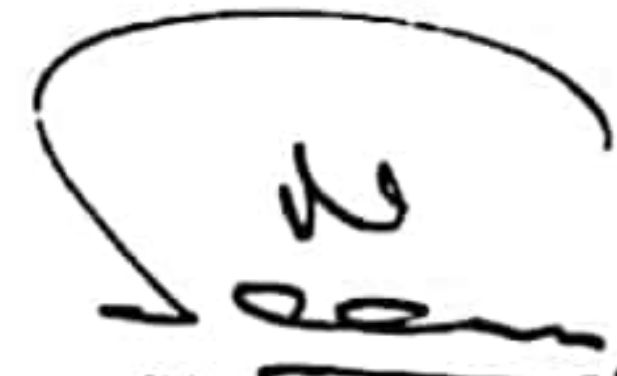
(Shailendra Kumar) IAS
Principal Secretary to the Government
Public Works(R&B) Department.

No. PWD-LIT/108/2021-05

Dated:- 12-07-2021

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs Government of India.
2. Chief Engineer, Public Works (R&B) Department, Kashmir.
3. Chief Engineer, PMGSY(JKRRDA) Kashmir.
4. Director, Achieves, Archeology & Museum J&K Srinagar.
5. OSD to Hon'ble Advisor (B) for information of Hon'ble Advisor.
6. Pvt. Secretary to Principal Secretary to the Government, Public Works(R&B) Department.
7. Concerned Officer.
8. Government Order/ Stock file(w.s.2.c).
9. Monday Return.
10. PW(R&B) Website.



(Naseema Nazir)

Under Secretary to the Government
Public Works(R&B) Department

