

**(2025) 12 CAT CK 0001**

**Central Administrative Tribunal**

**Case No:** Original Application No. 61, 1379 Of 2025

Pardeep Kumar

APPELLANT

Vs

Union Territory Of Jammu And  
Kashmir & Ors

RESPONDENT

---

**Date of Decision:** Dec. 3, 2025

**Acts Referred:**

- Administrative Tribunals Act, 1985 - Section 19

**Hon'ble Judges:** Rajinder Singh Dogra, Member (J); Ram Mohan Johri, Member (A)

**Bench:** Division Bench

**Advocate:** Abhinav Sharma, Vishal Sharma, Rajesh Thapa, Vikram Pangotra

**Final Decision:** Dismissed

---

**Judgement**

Rajinder Singh Dogra, Member J

1. The present Original Application has been filed by the applicants under Section-19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

*"i. allow the instant Original Application;*

*ii. quash Govt. order No. 265-JK(RD&PR) of 2025 dated 25.08.2025 by virtue of which, the transfer of the applicant from Block Rajouri to Block Marheen District Kathua vide Govt. order No. 264-JK(RD&PR) of 2025 dated 23.08.2025, has been modified and the applicant despite having joined at his new place of posting, has been transferred to Block Ramsoo District Ramban by virtue of impugned modification order;*

*iii. direct the official respondents to allow the applicant to perform his duties as his present place of posting i.e. as BDO Marheen without any hindrance, keeping in view the fact that the applicant has already joined at his present place of posting, after complying to his transfer/posting order;*

*iv. restrain the respondents from giving effect to the impugned Govt. order No. 265-JK(RD&PR) of 2025 dated 25.08.2025 and relieving the applicant from his present place of posting i.e. as BDO Marheen, Block Marheen District Kathua;*

*Pass any other order or direction which this Hon'ble Court may deem fit or proper in the facts and circumstances of the case."*

2. The applicant is aggrieved of Government Order No. 265-JK(RD&PR) of 2025 dated 25.08.2025, whereby his earlier transfer from Block Rajouri to Block Marheen, District Kathua, ordered vide Government Order No. 264-JK(RD&PR) of 2025 dated 23.08.2025, came to be modified and, despite his claim of having joined at the new place of posting, he has now been transferred to Block Ramsoo, District Ramban. The petitioner was working as Block Development Officer, Block Rajouri, and had completed the normal tenure of two years at that station. By order dated 23.08.2025, he was transferred from Block Rajouri to Block Marheen, District Kathua, but, within two days, vide Government Order No. 265-JK(RD&PR) of 2025 dated 25.08.2025, his posting was modified to the extent that, instead of Block Marheen, he was transferred to Block Ramsoo, District Ramban. This modification order is the subject matter of challenge.

3. The petitioner has questioned the order dated 25.08.2025, firstly, on the ground that his posting has been modified within a short span of two days of the original transfer, and secondly, on the ground that the impugned order is violative of Government Order No. 861-GAD of 2010 dated 28.07.2010. He has specifically invoked Clause 6 of the said transfer policy, which stipulates that transfer orders, once issued, must be strictly complied with, and that any modification for compelling reasons shall only be effected after obtaining the approval of the next higher authority. It is further provided that reversal of a transfer order once made must be a rare event, resorted to only in exceptional cases with reasons recorded in writing. The grievance of the petitioner is that, in the present case, respondent No. 1 i.e. Commissioner/Secretary Department of Rural Development and Panchayati Raj, has modified the transfer order without recording any reasons and without obtaining approval from the competent higher authority, and in total disregard of the fact that Government Order dated 23.08.2025 stood implemented and that he had already resumed duties as Block Development Officer, Block Marheen, District Kathua.

4. The respondent-department has filed its reply. After hearing learned counsel for the parties, it emerges from the record that, though the petitioner was transferred on 23.08.2025, he did not physically join at Block Marheen. Instead, he merely sent an e-mail to intimate his joining. Such an e-mail intimation, in the absence of physical presence and assumption of charge at the new station, cannot be treated as valid joining or assumption of charge. The authorities also noticed that one Javed Iqbal, another officer, had worked only for about six to seven months at his then place of posting, and, his stay being short, the department, in order to avoid further complications and possible litigation, considered it appropriate to modify the earlier transfer order which was modified by the approval of Minister concerned.

5. The record was summoned and examined. It was revealed from the record that the MLA of Hiranagar constituency addressed a written communication to the Minister for Rural Development

& Panchayati Raj, Government of J&K, stating that the petitioner should not be posted in Hiranagar on account of certain allegations against him. An MLA, being a public representative, is expected to be aware of the interests and sensitivities of the area and is competent to highlight any issue relating to posting of an official which may adversely affect those interests. It is also an admitted position that the petitioner did not physically join at Block Marheen and only forwarded an e-mail claiming to have joined, which, as already noticed cannot be treated as joining.

6. The legal position on transfers is well settled. The Hon'ble Supreme Court has, in a catena of decisions, held that no Government servant or employee of a public undertaking has any legal right to be posted at any particular place or at a place of his choice, as transfer is an incident and condition of service, necessary in public interest and for efficiency in administration.

In **Natinal Hydroelectric Power Corpn. Ltd. Vs. Shri Bhagwan,, (2001) 8 SCC 574**, it has been held that:-

*“.....No Government servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to other is not only an incident, but a condition of service, necessary too in public interest and efficiency in the public administration. Unless an order of Transfer is shown to be an outcome of mala fide exercise or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals normally cannot interfere with such orders as a matter of routine, as though they were appellate authorities substituting their own decision for that of the employer/management, as against such orders passed in the interest of administrative exigencies of the service concerned....”*

In **Shilpi Bose vs. State of Bihar reported in AIR 1991 (SC) 532**, it has been held that:-

*“.....a Government servant holding a transferrable post has no vested right to remain posted at one place or the other, he/she is liable to be transferred from one place to the other.....”*

In **Union of India vs. S.L. Abbas AIR 1993 SC 2444**, the Hon'ble Supreme Court has observed that:-

*“.....the transfer is exigency of service, which can be challenged only on limited ground viz mala fide or the violation of statutory Rules.....”*

7. Taking into account the principles laid down by the Hon'ble Apex Court and in view of the facts and the relevant material on record, this Court is of the view that the modification of the petitioner's transfer from Block Marheen, District Kathua to Block Ramssoo, District Ramban, as effected by Government Order No.265-JK(RD&PR) of 2025 dated 25.08.2025, is supported by administrative reasons, has the approval of the competent authority, and does not suffer from mala fide or violation of any statutory mandate. Therefore, the Court is not inclined to interfere with the impugned order of modification.

8. The Original Application is found to be devoid of merit and is, accordingly, **dismissed**. There shall be no order as to costs.