

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

TA (SWP) no. 1/2010
CMA no. 1/2010

Date of order:30.11.2012

Dr. Arun Kumar v. State of J&K and Ors

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice

Appearing counsel:

For the Petitioner(s) Mr. Sunil Sethi, Sr. Advocate with Mr. Ravi Abrol, Advocate.

For the respondent(s) Mr.Gagan Basotra, Sr. AAG.

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| i) | Whether to be reported in Press, Journal/Media | : | Yes/No |
| ii/ | Whether to be reported in Digest/ Journal | : | Yes/No |

M. M. Kumar, CJ

1. This is an application filed by Dr. Arun Kumar, seeking transfer of SWP no. 1716/2009, preferred by the State of Jammu and Kashmir challenging the order dated 20.05.2009 passed by the Central Administrative Tribunal, Chandigarh (Camp at Jammu).

2. The writ petition has been filed by the State of Jammu and Kashmir at Srinagar Wing of the High Court whereas the matter was decided at Jammu by the Central Administrative Tribunal. The petitioner has asserted that once the Tribunal has decided the matter at Jammu, there was hardly any justification for the State to file the writ petition at Srinagar Wing of the High Court.

3. The application has been opposed by Mr. Gagan Basotra, learned Sr. AAG, urging that the Darbar Move had moved to Srinagar when the writ petition was filed and, therefore, it should be decided at the Srinagar Wing of the High Court.

4. Keeping in view the various factors and the peculiar nature of the instant case, I deem it appropriate to direct that SWP no. 1716/2009 filed in the Srinagar Wing of the Court titled as State of J&K and ors v. Dr. Arun Kumar, be transferred for hearing to the Jammu Wing of the High Court.

5. Let the writ petition be listed in the first week of February, 2013.

6. The application stands disposed of along with CMA no. 1/2010.

(M. M. Kumar)
Chief Justice

JAAMU:
30.11.2012
Anil Raina, Secy.