

Supplementary List-II
Serial No. 135

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1549/2026
CM No. 3467/2026

Date of pronouncement : 29.05.2026
Uploaded on : 02.06.2026

Talib Hussain

.....Petitioner

Through:- Mr. Abid Khan, Advocate.

V/s

UT of J&K & Ors.



.....Respondents

Through:-

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER

01. The cause of action for the petitioner to come forward with the present writ petition filed on **25.05.2026** is the mention of his name at serial No. 9 in an Order No. **04-ACDD of 2026** dated **19.05.2026** passed by the respondent No. 3-Assistant Commissioner Development, Doda.

02. Said Order No. **04-ACDD of 2026** dated **19.05.2026** is on the subject of **“Transfer and posting of Technical Assistants (MGNREGA)”**.

03. In so far as petitioner is concerned, he has been ordered to be transferred from his present place of posting at **Block Bhagwah to Block Changa**.

04. In terms of the aforesaid Order dated **19.05.2026**, 28 numbers of Technical Assistants (MGNREGA) have been ordered to be transferred to and from one Block to another and the reason cited is **“In the interest of administration and for ensuring smooth implementation and effective monitoring of works under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in District Doda and also as per the approval by the District Programme Coordinator, MGNREGA (Deputy Commissioner), Doda”**.

05. The petitioner refers to his engagement as Technical Assistant (Supporting Staff) in Block Bhagwah district Doda under the **Mahatma Gandhi National Rural Employment Guarantee Act, 2005**.

06. In his writ petition, the petitioner has not cited as to by which reference number and date order of his original

engagement as Technical Assistant in Block Bhagwah under MGNREGA had been issued.

07. The petitioner submits that distance from Block Bhagwah to Block Changa is 125 kms and that distance itself is 125 kms away from his residence.

08. Learned counsel for the petitioner submits that engagement under MGNREGA of Technical Staff is not meant to be transferable posting, more particularly when the distance between the two Blocks is running more than 100 kms far and distant place with no facility of TA, DA and HRA for a Technical Assistant under MGNREGA to subsist upon.

09. The petitioner assails the transfer as arbitrary and discriminatory and in this regard refers to case of one **Sunny Sharma** figuring at serial No. 13 being transferred from Block Chilly Pingal to Block Kastigarh being within the same vicinity. The petitioner further cites the case of transferees at serial Nos. **2, 10, 13, 14, 17, 21** and **26**, all transferred and adjusted in nearby vicinities of their respective original engagement blocks.

10. The petitioner also cites the case of one **Mohd. Yassar** being transferred from Block Bhagwah to Block

Bhalessa while said **Mohd. Yassar** was never posted in Block Bhagwah as he is posted in Block Marmat.

11. The petitioner is said to have given a representation dated **23.05.2026** to the respondent No. 3-Assistant Commissioner Development, Doda which seems to have evoked no response despite the representation being received against receipt No. **403** dated **23.05.2026**.

12. This Court is of the opinion that as the petitioner has exercised his right of representation before the respondent No. 3-Assistant Commissioner Development, Doda, the transfer order issuing authority, as such, a *disposal* can be accorded to this writ petition without entering adjudication on merits with a direction to the respondent No. 3-Assistant Commissioner Development, Doda to consider representation of the petitioner within a period of 15 days from the date of submission of a certified copy of this order by the petitioner in the office of the respondent No. 3-Assistant Commissioner Development, Doda and it is ordered accordingly.

13. The petitioner shall procure a certified copy of this order by or before **06.06.2026** and submit it before the office of the respondent No. 3-Assistant Commissioner

Development, Doda by or before **10.06.2026**, whereafter 15 days time in which the respondent No. 3-Assistant Commissioner Development, Doda to consider and *dispose* of said representation of the petitioner by reason bearing order, be it in favour or against the petitioner, whereupon the petitioner, if still left with a grievance, shall be entitled to resort to an appropriate legal remedy including filing of a writ petition if so advised.

14. Till the consideration and *disposal* of the said representation of the petitioner, the petitioner be not dislodged from his last place of posting in Block Bhagwah.

15. The present writ petition is, accordingly, ***disposed*** of along with connected application.

16. In case the petitioner fails to act in compliance of providing certified copy of this order within prescribed time to the respondent No. 3, then in that eventuality writ petition shall be deemed to have been *dismissed*.

(RAHUL BHARTI)
JUDGE

JAMMU
29.05.2026

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No