

www.jkeducation.gov.in
e-mail:edu-jk@nic.in



Fax: 0194-2450574-Sgr
0191-2560230-Jmu

**Government of Jammu and Kashmir
School Education Department
(Gazetted Section)
Civil Secretariat, Jammu/Srinagar**

Subject: Case SWP No.75/ 2014 titled Narinder Kumar Sharma V/s State and Others.

Government Order No. 12—Edu of 2017

D a t e d : 07 .01. 2017

Whereas, the petitioner namely Sh.Narinder Kumar Sharma has filed SWP No.436/2012 before the Hon'ble High Court and Hon'ble High Court vide its judgement dated 29.2.2012 has issued directions for accord of consideration to the regularization of petitioner as Lecturer (Commerce) from the date his juniors had been regularized; and

Whereas, the petitioner has filed another SWP No.75/2014 before the Hon'ble High Court and Hon'ble High Court vide its interim direction dated 15.01.2014 has passed the following directions in CMA No.92/2014:-

“Respondents, in particular respondent no. 1 at their end shall accord consideration to the point raised by the petitioner in the writ petition and furnish report to this court alongwith reply/ objections.”

Whereas, among others, the petitioner was regularized as Lecturer (Commerce) vide Govt. Order No.846-Edu of 2012 dated 16.11.2012 notionally from 01.08.94 and regular from 22.04.2003; and

Whereas, the petitioner has prayed before the Hon'ble Court that he may be regularized w.e.f. 10.03.1993 from the date his juniors have been regularized.

Whereas, the case was examined in this department and it has been found that the petitioner is senior to the respondents but he was not regularized w.e.f 10.03.1993 as his date of passing PG was considered as 31.07.1993 by taking cognizance of his improved Marks card, while as the petitioner has acquired his PG in the year 1992 (March, 1992) under Roll No. 50423 Serial Number 1075; and

Whereas, a notice was issued under endorsement No.Edu/ L/ J/ 37/ 2014 dated 23.10.2015, wherein objections were invited from the members of the cadre who figure in the seniority list of +2 Lecturer issued vide Govt Order No.163-Edu of 2006 dated 15.03.2006 at S.No.139 to 444 and also in the seniority list of Sr. Lecturer issued vide Govt. Order No. 270-Edu of 2013 dated 12.03.2013 from S.No.998 to 1148; and

Whereas, some objections were received by the department which were examined and it was found that all the incumbents who have filed their objections belongs to Physics discipline whereas Sh.Narinder Kumar Sharma belongs to Commerce, as such objections filed by some members cannot be entertained as

↓

↓

members & the petitioner belongs to different subjects. Besides, none of the member(s) of Commerce discipline has objected against re-fixation of seniority of the petitioner; and

Whereas, the Hon'ble High Court has disposed of the writ petition on 15.02.2016. The objective part of directions passed by the Hon'ble High Court is as under:-

“Respondent No.1 shall in light of the admission disclosed in Notice dated 23.10.2015 with reference to regularization/ fixation of seniority of the petitioner, consider and take a final decision within six weeks. Consequently, on taking decision the petitioner's regularization/ seniority shall be effected from the date he is found entitled.”

Whereas, as per available records, no post of Lecturer (under promotion quota) for the period from 10.03.1993 to 10.08.1994 was available with the department against which the claim of petitioner for his regularization as Lecturer w.e.f 10.03.1993 could be considered; and

Whereas, the case was processed and referred to the Finance Department for creation of a supernumerary post of Lecturer for the period from 10.03.1993 to 01.08.1994 to implement the orders of the Hon'ble High Court in the instant case; and

Whereas, the Finance Department vide their UO No.A/ 197(2002)-II-676 dated 21.09.2016 has conveyed their agreement for creation of post of Lecturer on supernumerary basis in the pay Scale of (8000-13500) w.e.f 10.03.1993 to 01.08.1994 for regularization of Sh.Narinder Kumar Sharma to implement the orders of the Hon'ble High Court; and

Whereas, in the meantime, the petitioner has filed contempt petition before the Hon'ble High Court for implementation of the directions passed by the Hon'ble High Court in the instant case.

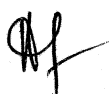
Whereas, pursuant to agreement conveyed by the Finance Department, the case was placed before the competent authority and the GAD vide OM No.GDC-184/ CM/ 2016 dated 30.12.2016 has conveyed the approval of the competent authority; and

Whereas, necessary orders with regard to creation of one post of Lecturer in the discipline of Commerce on supernumerary basis in the pay scale of Rs.8000-13500 (pre-revised) for the period from 10.03.1993 to 01.08.1994 for regularization of Mr.Narinder Kumar as Lecturer (Commerce) w.e.f 10.03.1993 on notional basis has been issued vide Govt. Order No.11-Edu of 2017 dated 07.01.2017.

Now, therefore, sanction is hereby accorded to the:-

- a) Regularization of Mr.Narinder Kumar Sharma (petitioner) as Lecturer (Commerce) w.e.f. 10.03.1993 on notional basis instead of 01.08.1994.





- b) Re-fixation of seniority of Mr.Narinder Kumar Sharma as Lecturer at seniority No.139-A between S/Shri Romesh Chand and Bashir Ahmed Bazaz instead of 443-A in the Seniority List +2 Lecturer issued vide Govt. Order No.163-Edu-of 2006 dated 15.03.2006;
- c) Re-fixation of seniority Mr.Narinder Kumar Sharma as Senior Lecturer at seniority No. 998-A between S/Shri Krishan Chander and Ali Mohd. Bazaz instead of 1147-A in the Seniority List of Senior Lecturers issued vide Govt. Order No.270-Edu of 2013 dated 12.03.2013.

By order of Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra)

Principal Secretary to Government
School Education Department

Dated: 07.01.2017

No: Edu/ L/ J/ 37/ 2014

Copy to the:-

1. Commissioner/ Secretary to Government, Finance Department.
2. Commissioner/ Secretary to Govt; General Administration Department
3. Additional Advocate General, J&K Jammu.
4. Director School Education Jammu.
5. Special Assistant to Hon'ble Minister for Education for information of the Hon'ble Minister.
6. Special Assistant to Hon'ble Minister of State, School Education Department.
7. Private Secretary to Principal Secretary to Government, School Education Department.
8. PLO, School Education Department.
9. Concerned.
10. I/C Website
11. Govt. order / Monday return file/ Stock file.

(Sanjay Pandita)

Under Secretary to Government
School Education Department