



**GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/KASHMIR**

(Legal Section)

Subject: SWP No. 1583/2007 CMA No. 1000/2015 titled Syed Kazim Shah and others V/S State and others.

Government Order No: 129- Edu of 2017

D a t e d: 20- 03 - 2017

Whereas, a select list of 115 candidates was received from J&K Services Selection Board vide No. 251-1/selection-Tr-1/92 dated 26.02.1992 and endorsement of Deputy Commissioner, Kargil's No. E-1/Selection/Tr./92 dated 25.02.1992 and another list of 65 more candidates in the year 1993;

Whereas, the selected candidates were appointed as teacher in the pay scale of Rs. 950-1500 (pre-revised) and were adjusted in Zone Kargil and 06 other Zones ;

Whereas, SRO-75 dated 30.03.1992 was issued by the Finance Department wherein, special treatment was given to some categories of employees including the teachers w.e.f 01-04-1990. The clause 9 sub-clause (e) provides as under:-

"All the teachers carrying the existing pay scale of Rs. 900-1830 will be placed in the revised pay scale of Rs. 1200-2040. For future recruitment, the pay scale of Rs. 1200-2040 will be available for Graduate teachers. The undergraduate teachers will initially be recruited in the pay scale of Rs. 950-1500 and will be placed in pay scale of Rs. 1200-2040 after completing 08 years of service in the pay scale of Rs. 950-1500".

Whereas, the petitioners filed SWP No. 1583/2007 before the Hon'ble High Court on the ground that the petitioners be paid salary with effect from 25.2.1992 to 17.04.1992 b(1 ½ months) from the date of joining in CEO,

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office, Kargil and also sought the benefit of SRO-75 dated 30.3.1992 on the analogy adopted in the order dated 29.3.2007 issued by Chief Education Officer, Kargil.

Whereas, in the order Dated. 29-03-2007, the pay dues of all the newly recruited teachers appointed in the month of 12/2006 were released w.e.f. the date they joined in the office of Chief Education Officer, Kargil for further adjustment;

Whereas, in the meantime, in the year 2014, the Audit Party from the office of Accountant General conducted the Audit inspection of Zonal Education Officer, Kargil and observed in audit that contrary to the instructions as per SRO-75 read with SRO-14 of 1996 dated 15.01.1996, the appointment of under graduate teachers in the pay scale of Rs. 950-1500 made on or after 30.03.1992 in the office of Zonal Education Officer, Kargil have been placed in the pay scale of Rule 9 (e) of SRO-75 of 1992 after putting up of regular service of 08 years but were given Time Bound Promotion after completion of 09 years of service instead of putting up of 18 years of regular service (Rule 2 (g) of SRO-14 of 1996) from their entry date on the post, as such test check in 38 such cases resulted into excess pay of 1.33 Crores on account of pay and allowances;

Whereas, the Hon'ble High Court disposed of SWP No. 1583/2007 on 12.03.2015 has passed the following order:-

"...At request of learned counsel for the petitioners, petition is disposed of with a direction to respondents to consider the claim of petitioners under rules having regard above referred communication and order dated 29.03.2007 and pass consideration order within a period of two months from the date certified copy of this order is made available to them. Petitioners on their part, may handover complete set of writ petition along with this order to respondents so as to facilitate them early decision in the matter".

Whereas, the Chief Education Officer, Kargil re-fixed the salaries of the petitioners in violation of the rules.

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Now, therefore, in view of the facts and circumstances of the case, and in light of order dated 12.03.2015 passed by the Hon'ble High Court, the claim of the petitioners were examined and found without merit hence rejected, further the re-fixation made by the Chief Education Officer, Kargil in violation of rules in favour of the petitioners is hereby declared void ab-initio.

The Director School Education, Kashmir and Chief Education Officer, Kargil are directed to initiate steps to effect the recovery from the petitioners and other similarly situated teachers with immediate effect.

By Order of the Government of Jammu and Kashmir.

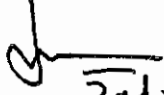
Sd/-
(Shaleen Kabra)
Principal Secretary to Government
School Education Department

No: Edu/Legal/J/Misc/95/2017

Dated: 20-03-2017

Copy to the:-

1. Director School Education, Kashmir for information and necessary action.
2. Ld. Additional Advocate General, J&K High Court, Jammu for information and necessary action.
3. Chief Education Officer, Kargil for information and necessary action.
4. Pvt. Secretary to Principal Secretary to Government, School Education Department for information.
5. Incharge Website
6. Govt. Order file (w.3.s.c)
7. Stock file.


20/03/17
(Sanjay Pandita)
Under Secretary to Government
School Education Department