

GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/KASHMIR
(Legal Section)

Subject: OA No:61/847/2021 /2021 titled Ram Paul V/S Union Territory of J&K and others.

Government Order No:1342- Edu of 2021

D a t e d : 13 - 08 - 2021

Whereas, vide Government Order No: 270- JKedu of 2021 dated:30-04-2021, Sh. Ram Paul was transferred from HSS Pallanwala to HSS Chingus Rajouri; and

Whereas, aggrieved of his transfer order the applicant Sh. Ram Paul has filed Original Application before the Hon'ble Central Administrative Tribunal Jammu; and

Whereas, the Hon,ble Central Administrative Tribunal vide Order dated 30.05.2021 has disposed of the O.A with the following directions:-

"The applicant is presently posted as lecturer in the Government Higher Secondary School, Pallanwala, Akhnoor .He has been transferred to hard zone Rajouri which is 320 kms from his residence.The applicant has preferred a representation dated 03.05.2021 before respondents stating all his grievances ,however ,the same is still pending with the respondents for consideration .Hence, the present O.A seeking a direction to Respondent No.1 to consider and decide the representation dated 03.05.2021.

We have heard Mr. Z A Mughal , learned counsel for the applicant and Mr. Rajesh Thappa, Learned D.A.G for the respondents and perused the records.

Looking to the limited prayer made by the learned counsel for applicant as well as the facts and circumstances of the case ,we dispose of the O.A with the direction to respondents to take a decision on the representation dated

03.05.2021(Annexure No .A-1 to the O.A) by passing a reasoned and speaking order within a period of two weeks from today.

Whereas, in pursuance to the direction of Hon'ble CAT, the case of petitioner/ applicant has been examined by the Department in light of the transfer policy and rules in vogue and has been found that petitioner was working in HSS Palanwala having mature stay ; and

Whereas, the plea of the petitioner/applicant to continue at HSS Pallanwala cannot be considered as the petitioner have completed stay period and is eligible for transfer within the purview of rules;

Whereas, the objections of the petitioner as submitted online was examined and keeping in view the fact that the petitioner/applicant has already served in Rajouri (HSS Bhawani) and both parents being in extreme old age and also availability of vacancy in HSS Dori Dager, the claim of petitioner for transferring him to HSS Dori Dager can be considered for modification .

Keeping in view the above facts of the case and in compliance to the directions of the Hon'ble CAT, the claim of the petitioner has been re-considered on the basis of the facts and on humanitarian aspect of old aged parents of the of Sh. Ram Paul, is now posted in GHSS Dori Dager, Jammu against available vacancy.

By Order of the Government of Jammu and Kashmir.

Sd/-

(B.K.Singh)

Principal Secretary to the Government
School Education Department

No: Edu-LGL0Cou/39/2021-01

Dated: 13 -08-2021

Copy to the:-

1. Joint Secretary, J&K, Ministry of Home Affairs, GOI New Delhi.
2. Director School Education, Jammu.
3. OSD to Advisor (b0 to Hon'ble Lt. Governor.
4. Concerned Chief Education Officer(s)/ Principal.
5. PS to Principal Secretary to Government, School Education Department.
6. I/C Website.
7. Government order file.
8. Principal, HSS, Chingus, Rajouri.

(Javid Ahmed Shagoo)

Additional Secretary to Government

13/8/2021