



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

Subject: - SWP No. 454/2016 titled Ghulam Mohammad V/S State and others.

**Government Order No: 215 - Edu of 2016**

**Dated: 09 - 09 - 2016**

Whereas, vide Order No. DDC-02/B-18/3761-62 dated 11.08.1992, Sh. Ghulam Mohammad was engaged as Library Assistant on the vacant post of Librarian in Govt. Higher Secondary School, Marwah purely on stop gap arrangement for a period of 89 days; and

Whereas, the petitioner approached the Hon'ble High Court through SWP No. 1059/92 praying therein to restrain the respondents from ousting him and to regularize his services; and

Whereas, the Hon'ble High Court dismissed the said writ petition and the petitioner filed LPA No. 297/93 and the Hon'ble High Court on 24.02.1999 passed the following orders:-

***"That in case the post has not been yet filed though regular selection and the appellant is continuing on the same, he be allowed to continue till regular selection to the post is made in accordance with rules".***

Whereas, Sh. Ghulam Mohammad was appointed as Library Assistant vide Government Order No. 215-Edu of 1999 dated 19.2.1999; and

Whereas, Sh. Ghulam Mohammad after a gap of 13 years approached the School Education Department for releasing pending salary of adhoc period i.e. 22.01.1993 to 22.01.1999 amounting to Rs. 2, 41, 109/-; and

Whereas, the Director School Education, Jammu vide communication dated 9.6.2014 furnished the details of unpaid wages of Sh. Ghulam Mohammad w.e.f. 22.10.1993 to 22.01.1999 with certificate of DDO that applicant remain present on duty w.e.f. 22.10.1993 to 22.2.1999 without wages; and

Whereas, the petitioner approached the Hon'ble High Court in SWP No. 454/2016 and sought release of salary and the said writ petition came to be disposed of on 04.03.2016 with the direction to the respondents that they shall take all necessary steps at their respective levels so as to ensure that the amount as is due to the petitioner is released in his favour within a period of six weeks from today; and

Whereas, the case of Sh. Ghulam Mohammad was examined in the Department and found that vide communication No. CEO/K/2016/13025-27 dated 01.09.2016, it has been reported that due drawn statement furnished by the Principal Government, Higher Secondary School, Marwah vide letter No. GHSSM/012/432 dated 09.10.2012 has not signed by the Principal, Government Higher Secondary School, Marwah and signatures seems to have been forged by some one; and

Whereas, the amount of Rs. 2,41,109/- has been calculated wrongly as a full pay for which the applicant was not entitled; and

Whereas, the writ petition filed by the petitioner is based on the wrong information and the amount claimed by the petitioner has been prepared fraudulently and has forged signatures. Hence it cannot be ruled out that the due drawn statement might have been prepared in connivance with the petitioner.

In view of the above, the Director School Education, Jammu is directed to get a departmental enquiry conducted into the matter and furnish preliminary report within 15 days, which should interalia, fix the responsibility for forged statement and also indicate the correct due/drawn statement.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra)

Commissioner/ Secretary to Government  
School Education Department  
Dated: 09-09-2016

No: Edu/Legal/J/150/2013

Copy to the:-

1. Director School Education, Jammu for information and necessary action.
2. Sh. Ravinder Gupta, Additional Advocate General, J&K High Court, Jammu
3. Chief Education Officer, Kishtwar.
4. Pvt. Secretary to Commissioner/ Secretary to Government, School Education Department for information of Commissioner Secretary.
5. Ghulam Mohammd S/O Kh. Murad Malik R/O Village Qadarna Marwah Tehsil Marwah District Kishtwar.
6. Incharge Website
7. Govt. Order file (w.3.s.c)
8. Stock file.

  
( V.K. Dhar )

Deputy Secretary to Government  
School Education Department