

GOVERNMENT OF JAMMU & KASHMIR
SCHOOL EDUCATION DEPARTMENT
CIVIL SECRETARIAT, SRINAGAR

Subject:- Contempt Petition No 2021 in OA No.062/101/2020 titled Bharat Bhushan & Others Vs UT of J&K & Others.

Government Order No. 1215 -Edu of 2021
Dated: 28 -07-2021

Whereas, the School Education Department placed 132 PG Masters/Teachers as I/c Lecturers in the discipline of Chemistry vide Government Order No. 329 -Edu of 2019 dated 16-10-2019 and;

Whereas, the above placement was made on the basis of final seniority issued vide Government Order No. 264-Edu of 2018 dated 05-03-2018 and;

Whereas, in the above seniority list the petitioner namely Bharat Bhushan Bhat did not figure anywhere in the list as the service particular of the incumbent were not available in the Department, so could not be placed as I/c lecturer Chemistry and;

Whereas, aggrieved by not figuring in the above placement order, filed O.A No 062/1010/2020 titled Bharat Bhushan & Ors Vs UT of J&K & Ors before the Central Administrative Tribunal and;

Whereas, the matter was listed before the Hon'ble Central Administrative Tribunal, Jammu Bench on 26.06.2020 and was pleased to pass the following order:-

"We therefore, dispose of this OA directing that it shall be open to the applicants to make a representation to the respondents ventilating their grievance within a period of four weeks from today, and on receipt of the same, the competent authority shall pass appropriate orders within a period of six weeks thereafter either extending the benefit of promotion of the applicants as In charge Lecturers as was done through order dated 16.10.2019 or informing the reasons as to why such benefit cannot be extended to the applicants. If the applicants are not extended the benefit of in charge promotion, they shall be entitled to pursue their remedies in accordance with law"




Whereas, the above mentioned placement Order was subject to the condition that the placement is made for a period of 6 months or till the post is filled on regular basis by DPC whichever is earlier and;

Whereas, in order to fill up the posts of Lecturers on officiating/regular basis, the promotion is to be made on the basis of seniority, eligibility, merit and suitability and;

Whereas, for conduct of DPC, it is imperative to issue updated seniority of the Masters/Teachers in the discipline of Chemistry and;

Whereas, while complying to the orders of Central Administrative Tribunal, the department has issued tentative seniority list in the discipline of Chemistry on 18.02.2021 in which the petitioner is figuring at Sr. No 331 and;

Whereas, the Department is working on finalizing the seniority in the said discipline after incorporating the service particulars of all left out cases to have promotion of eligible Masters/Teachers to sort out the errors and;

Whereas, the final seniority list is to be issued within 15 days, so that the case of the petitioner can be considered in the DPC on the basis of merits strictly as per seniority and any of the Junior who is not found eligible shall be demoted to the post of Master/Teacher and;

Therefore, in view of above facts as well as orders of the Central Administrative Tribunal, the Department in this regard will issue the final seniority list and will promote the eligible officials as well as the petitioners as per seniority and to further will demote the already placed junior counterparts who don't find place as per final seniority position.

By order of the Government of Jammu and Kashmir.

Sd/-
(B.K.Singh)

Principal Secretary to Government
School Education Department

No:- Edu/Gaz-A/89/2016

Dated:- 28.07.2021


Copy to the:-

1. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
2. Director School Education, Jammu/Kashmir.
3. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
4. Private Secretary to Principal Secretary to Government, School Education Department.
5. Concerned.
6. Government Order file (w.2.s.c).
7. I/c website.



(Javaid Ahmad Shagoo)

Additional Secretary to Government
School Education Department



28/7/21