



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

(Legal Section)

Subject: SWP No: 2841/2016 MP No. 01/2016 titled Lal Chand V/S State and others.

Government Order No: 173 - Edu of 2017

D a t e d: 12 - 04 - 2017

Whereas, the petitioner, Sh. Lal Chand filed writ petition before the Hon'ble High Court bearing SWP No. 2841/2016 and the Hon'ble High Court vide its order dated 29.12.2016 passed the following order:-

"...Petitioner claims to have retired as Lecturer from the School Education Department and now he is pleading for placement of his position as Senior Lecturer, so as to enable him to get service and pensionary benefits. He retired in the year 2009.

Petitioner has given a representation dated 9th March, 2012 to the competent authority but the same has not been accorded consideration.

The instant petition is disposed of by giving liberty to the petitioner to make a fresh representation to the respondent-department within two weeks. The competent authority shall accord consideration and dispose of the same on its own merits expeditiously, preferably within a period of two weeks from the date of receipt of representation along with the copy of this order".

Whereas, the petitioner filed fresh representation in the Department with the request to accord placement on the post of Sr. Lecturer w.e.f. the date such vacancy existed in the Department subsequent to the regularization of 770 I/C Principals on the posts of Principals as has been done with regard to the 23 Lecturers placed as Sr. Lecturers from 13.04.2006 vide Government Order No. 129-Edu of 2011 dated 24.2.2011 and also grant consequential benefits admissible under rules during service period, at the time of retirement and after retirement as well; and

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Whereas, the representation of the petitioner was examined by the Department and it was found that the Department has issued seniority list of 10+2 Lecturers vide Government Order No. 163-Edu of 2006 dated 15.03.2006. In the said seniority list the petitioner is figuring at seniority No. 152; and

Whereas, vide Government Order No. 228-Edu of 2006 dated 13.04.2006, the Department has issued placement of 96 Lecturers as Sr. Lecturers from Srty. No. 1 to 96. The placement of the Lecturers from S.No. 1 to 08 was given effect from 16.03.2005 viz. the date from which their juniors were placed as such, and remaining from S.No. 09 to 96, were placed with prospective effect i.e. 13.04.2006; and

Whereas, the Department issued another placement order in respect of 457 Lecturers as Sr. Lecturers from Srty No. 97 onwards vide Government Order No. 129-Edu of 2011 dated 24.02.2011. However, the petitioner was not placed as Sr. Lecturer due to fact that at the time of issuance of Government Order dated 24.02.2011, the petitioner was already retired on superannuation on 30.06.2009 and was not entitled to get placement as Sr. Lecturer on 24.02.2011; and

Whereas, on further examination, it has been found that no Lecturer junior to the petitioner has been given notional effect before the date of retirement of the petitioner.

Now therefore, in view of the above, the claim of the petitioner for placement as Sr. Lecturer has been considered in the Department, as per directions of the Hon'ble High Court dated 29.12.2016, is not genuine/justified and is devoid of any merits as such rejected.

By Order of the Government of Jammu and Kashmir.

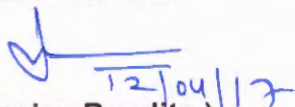
Sd/-
(Shaleen Kabra)
Principal Secretary to Government
School Education Department

No: Edu/Legal/J/Misc/29/2017

Dated: 12-04-2017

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 for information and necessary action.
3. Pvt. Secretary to Principal Secretary to Government, School Education Department.
4. I/C Website
5. Sh. Lal Chand S/O Late Sh. Isher Dass R/O Village Bakhar Tehsil Sunderbani District Rajouri A/P H.No. 154/3 Sector-2 Dream City Colony, Muthi Jammu.
7. Govt. Order file (w.3.s.c)
8. Stock file.


(Sanjay Pandita)
Under Secretary to Government
School Education Department