



Government of Jammu and Kashmir,
School Education Department
(ACCOUNTS SECTION)
Civil Secretariat, Jammu / Srinagar

Sub: SWP No: 893/2015 & CMP No: 01/2015 titled Abid Hussain Khan & others v/s State & others.

Government Order No: 344-Edu of 2016
Dated: 21-09-2016

Whereas, the petitioners have filed SWP No:- 893/2015 before the Hon'ble High Court wherein claimed the monetary benefits on account of stepping up of Pay vide Govt. Order No:- 47-F-Edu of 2015 Dated 30-01-2015 on the analogy of benefit extended to 32 Teachers of District Baramulla vide Govt Orde No:- 215-Edu of 2014 dated 26-02-2014.

Whereas, the Hon'ble court vide order dated 08-05-2015 has disposed off the case as under:

"This petition without notice to the respondents deserves disposal at its threshold stage, as such, is disposed of with a direction to the respondents that they shall accord due consideration to the representation of the petitioners and to pass appropriate orders thereon within a period of four weeks from the date copy of this order is served upon them. Result of consideration shall be conveyed to the petitioners. Right is reserved to the petitioners to reargue if thereafter cause survives"

Whereas, on detailed examination, it has been noted that, the Government Order No: 215 - Edu of 2014 dated: 26-02-2014 is silent with regard to monetary benefits. Ordinarily, an order has only prospective effect in financial matters.

Whereas, the DDO concerned while implementing the Order No: 215-Edu of 2014 dated 26.02.2014 should have either sought clarification from the Administrative Department regarding payment of arrears or alternatively, in terms of rule 2.43 of Financial Code Vol. I should not have released arrears.

Whereas, the order dated: 30-01-2015 cannot be settled on the analogy of wrong interpretation of Govt. Order No. 215 - Edu of 2014 dated 26-02-2014 as that would amount to committing yet another violation. Hence, the claim of the petitioner can't be considered and is hereby rejected.

Further, all the DDOs of Education Department of District Baramulla are directed to recover any payment of arrears made in pursuance of Govt. No:- 215-Edu of 2014 dated: 26-02-2014 and report compliance through Director School Education, Kashmir by 5th Oct, 2016.

"By order of the Government of Jammu and Kashmir,

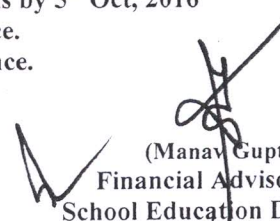
Sd/-
(Shaleen Kabra),
Commissioner/Secretary to Government
School Education Department

No: Edu/Accounts/MRC/2015

Dated: 21-09-2016

Copy to the:

1. Principal Accountant General, J&K Kashmir.
2. Director School Education, Kashmir. He will ensure that recovery of arrears is effected forthwith & compliance reported timely. The concerned officials shall not be considered for any promotions till their recovery is effected in full. He shall also furnish name & present posting of all those DDOs who made illegal draws by 5th Oct, 2016
3. Chief Education Officer, Bandipura for compliance.
4. Chief Education Officer, Baramullah for compliance.
5. Principal/Z.E.O/Headmaster concerned.
6. Govt. order file (w.2.s.c)


(Manav Gupta)
Financial Advisor/CAO,
School Education Department