



Government of Jammu and Kashmir
School Education Department
(Gazetted Section)
Civil Secretariat, Srinagar

Subject:- SWP No. 1703/2015 titled Ram Parkash Sharma Versus State and Anr.

Reference:- i. U.O. No. A/197(2002)-A-282 dated 22.05.2017 from Finance Department.
ii. O.M. No. GDC-163/CM/2017 dated 17.01.2018 of General Administration Department.

Government Order No. 360-Edu of 2018

D a t e d. 19 - 03 - 2018



Whereas, the petitioner namely Mr. Ram Parkash has filed a writ petition before the Hon'ble High Court bearing SWP No. 1703/2015 titled Ram Parkash Sharma Vs State and Others praying therein for grant of notional effect to his promotion as Lecturer w.e.f. 30.03.1993 and on regular basis from 01.01.2003 and subsequently promotion as Sr. Lecturer w.e.f. 24.02.2011 and also to seek promotion as I/C Principal w.e.f. 04.01.2014 i.e. the day the respondent No. 2 namely Mr. Mohammad Amin Mirza has been placed as such. The petitioner also sought grant of all monetary and other benefits as have been accorded to the respondent No. 2 and Mr. Mushtaq Ahmad Thoker (Private respondent).

Whereas, the said writ petition was disposed of by the Hon'ble High Court vide its judgement dated 09.06.2015, with the following directions:-

"Having regard to the grievance of the petitioner and the relief sought, this writ petition is admitted and disposed of at its threshold directing respondents to accord consideration to the case of the petitioner on the basis of averments made in the petition and issue appropriate speaking order which should be done after hearing /providing opportunity of hearing to the petitioner. Respondents shall do good by taking the decision within a period of eight weeks after petitioner submits a copy of this order along with a copy of this writ petition to respondent No. 1 through proper channel.

Whereas, the case was examined in the department and it emerged that Mr. Ram Parkash Sharma, Senior Lecturer, was appointed as Teacher on 09.10.1979 and promoted as Master on 25.02.1997 and, accordingly, placed as I/C Lecturer on 22.04.2003 and, subsequently, regularized as Lecturer w.e.f. 12.08.2003 and as Sr. Lecturer w.e.f. 25.02.2011, while as the private respondent, namely Mr. Mohammad Mirza, was appointed as Teacher w.e.f. 11.02.1980 and placed as I/C Lecturer w.e.f. 30.03.1993 and subsequently, regularized as Lecturer notionally w.e.f. 30.03.1993 and regularly w.e.f. 01.01.2003 and as Sr. Lecturer on 24.02.2011. Similarly, another private respondent namely Mr. Mushtaq Ahmad Thakur was appointed as Teacher on 22.04.1980 and placed as I/C Lecturer w.e.f. notionally w.e.f. 30.03.1993 and regularly w.e.f. 01.01.2003 and as Sr. Lecturer 24.02.2011; and

Whereas, from the above, it was found that Mr. Ram Parkash Sharma has remained all along senior to the private respondents and is eligible for regularization as Lecturer (Economics) notionally w.e.f. 30.03.1993 and on regular basis from 01.01.2003 i.e. the



date when private respondents were regularized. Besides, the petitioner was found eligible for placement as Senior Lecturer w.e.f. 24.02.2011 instead of 25.02.2011.

Whereas, as per records available in the department, there were 19 (nineteen) posts of Lecturers available as on 30.03.1993 in the discipline of Economics which were utilized in full while regularizing eligible candidates vide Government Order No. 409-Edu of 2000 dated 10.05.2000. As such, there remained no post available against which case of the petitioner could be considered for bringing him at par with the private respondents; and

Whereas, it was, accordingly decided to take up the matter with Finance Department for creation of supernumerary post of Lecturer (Economics) for the said period w.e.f. 30.03.1993 to 11.08.2003 for settlement of the claim of petitioner vis-a-vis; re-fixation of his seniority. However, before referring the matter to Finance Department, it was felt necessary to invite objections from the members of cadre/service figuring in the seniority list of +2 Lecturers and Senior Lecturers as issued vide Government Order No. 163-Edu of 2006 dated 15.03.2006 and Government Order No. 270-Edu of 2013 dated 12.03.2013, respectively, and who are likely to be affected by re-fixation of the seniority of the petitioner; and

Whereas, accordingly, notice was issued vide No. Edu/L/J/Misc/482/2015 dated 09.08.2016 and published in the newspapers, whereunder objections were invited from the members of the cadre with regard to re-fixation of seniority of the petitioner in the seniority list of Lecturers issued vide Government Order No. 163-Edu of 2006 dated 15.03.2006 as well as in the Seniority List of Sr. Lecturers issued vide Government Order No. 270-Edu of 2013 dated 12.03.2013 and

Whereas, no objection in this regard was received by the department and subsequently, the case was referred to the Finance Department for creation of a supernumerary post of Lecturer for the period from 30.03.1993 to 11.08.2003 for settlement of the case of the petitioner; and

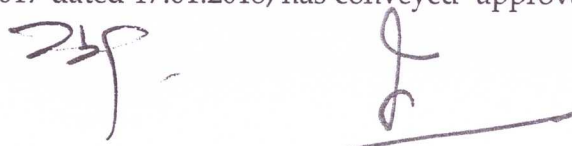
Whereas, the Finance Department vide U.O. No. A/197(2002)-A-282, dated 22.05.2017, conveyed its agreement to the creation of one post of Lecturer (Economics) on supernumerary basis in the pay scale of (8000-13500) w.e.f. 30.03.1993 to 11.08.2003 for regularization of Sh. Ram Parkash, enabling the department to implement the orders of the Hon'ble High Court, subject to the following conditions:-

1. The post is created in the applicable pay scale as per prescribed service Recruitment Rules of the Department.
2. The post shall cease to exist immediately after drawal of arrears in favour of the lecturer.
3. Orders are issued after obtaining approval of the Competent Authority.

Whereas, the case of the petitioner was accordingly placed before the Hon'ble Chief Minister through Chief Secretary in Coordination for approval to the following departmental proposal:-

"Sanction is hereby accorded to the creation of one post of Lecturer in the discipline of Economics on supernumerary basis in the pay scale of Rs. 8000-13500 (pre-revised) for the period from 30.03.1993 to 11.08.2003 for regularization of Sh. Ram Prakash Sharma as Lecturer (Economics) w.e.f. 30.03.1993 on notional basis and regular from 12.08.2003, instead of 12.08.2003."

Whereas, General Administration Department vide above referred O.M. No. GDC-163/CM/2017 dated 17.01.2018, has conveyed approval of the Hon'ble Chief Minister as under:-



"In compliance of the order dated 09.06.2015 passed by the Hon'ble High Court in SWP No. 1703/2015 titled Ram Parkash Sharma Versus State and Anr., sanction is hereby accorded to the creation of one post of Lecturer in the discipline of Economics on supernumerary basis in the Pay Scale of Rs. 8000-13500 (pre-revised) for the period from 30.03.1993 to 11.08.2003 for regularization of Sh. Ram Parkash Sharma as Lecturer (Economics) w.e.f. 30.03.1993 on notional basis and regular from 12.08.2003, subject to the condition that the post shall cease to exist immediately after settlement of the claim of the petitioner."

Now, therefore, in compliance to order dated 09.06.2015 passed by the Hon'ble High Court in SWP No. 1703/2015 titled Ram Parkash Sharma Versus State and Anr., sanction is hereby accorded to the creation of one post of Lecturer in the discipline of Economics on supernumerary basis in the Pay Scale of Rs. 8000-13500 (pre-revised) for the period from 30.03.1993 to 11.08.2003 for regularization of Sh. Ram Parkash Sharma as Lecturer (Economics) w.e.f. 30.03.1993 on notional basis and regular from 12.08.2003, subject to the condition that the post shall cease to exist immediately after settlement of the claim of the petitioner.

Consequent upon above, it is also ordered that:-

- i. Shri Ram Parkash Sharma, Senior Lecturer is regularized as Lecturer (Economics) w.e.f. 30.03.1993 on notional basis and on regular basis w.e.f. 12.08.2003;
- ii. Re-fixation of seniority of Sh. Ram Parkash Sharma at seniority No. 152-A between Mr. Lal Chand and Mr. Gh. Mohi-ud-din Ganie in the Final Seniority List of Lecturers issued vide Government Order No. 163-Edu of 2006 dated 15.03.2006;
- iii. Placement of Sh. Ram Parkash Sharma as Senior Lecturer w.e.f. 24.02.2011 instead of 25.02.2011.
- iv. Re-fixation of seniority of Sh. Ram Parkash Sharma, as Sr. Lecturer at seniority No. 1004-A {i.e. between Mr. Dev Raj Tikoo and Mr. Shabir Hussain Shah (RBA)} in the Final Seniority List of Senior Lecturers issued vide Government Order No. 270-Edu of 2013 dated 12.03.2013.

By order of the Government of Jammu and Kashmir.

Sd/-

(Farooq Ahmad Shah) IAS
Secretary to the Government
School Education Department
Dated. 19-03-2018

No. Edu/L/J/Misc/482/2015

Copy to the :-

1. Director, School Education, Jammu, for information.
2. Additional Secretary (L), School Education Department, for information.
3. Private Secretary to Hon'ble Minister for Education for information of the Hon'ble Minister.
4. Private Secretary to Hon'ble Minister of State for Education for information of the Hon'ble Minister.
5. Private Secretary to Secretary to the Government, School Education Department.
6. PA to Additional Secretary to Government, School Education Department.
7. Concerned.
8. I/C Website, School Education Department.
9. Government Order file (w.3 s.c)/Stock file.

(Javaid Ahmad Reshi)

Under Secretary to the Government