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**Government of Jammu & Kashmir
School Education Department
Civil Secretariat, Srinagar.**

Subject:-Inter District deployment of Mr. Shabeer Ahmad Mir, RRT, Teacher Primary School Shah Mohalla Dardpora, Zone Kralpora District Kupwara to District Srinagar.

Ref No. DSEK/Estt-III/B-Trs/CAT/97/2021/1211 dated 21-06-2021 from Director School Education, Kashmir.

Government Order No. 1339-Edu of 2022.

Dated: 24-05-2022.

Whereas, vide Order No. 533-DSEK of 2019 dated 12-06-2019 Mr. Shabeer Ahmad Mir, RRT, Teacher, Primary School Shah Mohalla Dardpora, Zone Kralpora, District Kupwara was temporary deployed to District Srinagar on medical grounds for a period of six months only;

Whereas, in the said order the concerned DDO was directed to draw the salary of the said official on his own substantive post on production of monthly attendance certificate from CEO Srinagar;

Whereas, the deployment was further extended upto 31-03-2021 in the Directorate of School education, Kashmir in reference to the Administrative letter No. Edu/L/K/71/2020, dated: 21.01/2021;

Whereas, the said official, meanwhile, filed a petition before the Central Administrative Tribunal Branch Jammu;

Whereas, while disposing off the petition, the Central Administrative Tribunal, Jammu vide order No. T.A/62/1240/2020 dated 03-11-2020 directed the respondents as under:

"We therefore dispose of this JA directing that the respondents shall pass appropriate orders on the representation submitted by the applicant as regards his posting. For the sake of convenience, the applicant shall make a copy of such representation available to the respondents within one week from today. The respondents in turn shall pass orders thereon within a period of six weeks. Till such time, the interim order passed by the Hon'ble High Court shall remain in force. There shall be no order as to costs".

Whereas, as per the communication from the Directorate of School Education, Kashmir dated: 19.06.2021, the official is designated as RRT and is still continuing in District Srinagar in Compliance of Court Order dated: 03-11-2020; and

Whereas, as per the contents of the Govt. Order No: 20-Edu of 2019, Dated: 22.01.2019, the said RRT Teacher, even after regularization, does not hold any merit for inter District transfer/deployment except on reciprocal basis, and representation made by the petitioner being devoid of any merit.

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Now, therefore in compliance to the orders of the Hon'ble Central Administrative Tribunal issued on 03.11.2020, the case of the petitioner has been examined/considered in the Department in light of the Hon'ble CAT order, and it has been observed that RRT teacher cannot be transferred from one place to another place as per the ReT policy issued in this regard (copy enclosed), as such petitioner Mr. Shabeer Ahmad Mir, does not hold any merit for inter District transfer/ deployment as per the policy of the Government and as such, the request for transfer/ deployment of the petitioner is accordingly rejected.

By Order of Government of Jammu and Kashmir.

Sd/.

(B.K.Singh)

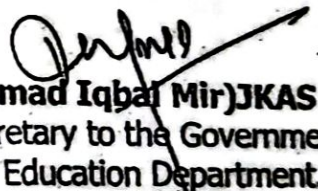
Principal Secretary to the Government
School Education Department.

No.Edu-NG K/110/2021-01

Copy to the

dated 24-5-2022.

1. Director School Education, Kashmir for information and necessary action.
2. Chief Education Officer, Kupwara for information
3. Chief Education Officer, Srinagar for information.
4. Private Secretary to Principal Secretary to the Government School Education Department for information.
5. Concerned Official.
6. In-charge Website.
7. Government Order file (W.3.s.C).


(Mohammad Iqbal Mir)JKAS
Under Secretary to the Government
School Education Department.

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

Subject:- O.A No. 62/1534/2021 titled Sohail Khan & Ors Vs UT of J&K and Anr.

Government Order No: 1340 - Edu of 2022

D a t e d: 15-05-2022

The School Education Department, UT of J&K (Respondent No.1) issued Government Order No. 59-Edu of 2021 dated 15.03.2021 whereby sanction was accorded to the placement of 1700 Lecturers as Senior Lecturers with two advance increments with immediate effect and none of the applicants were considered for such promotion as Senior Lecturer on the ground that the respondent No. 1 has considered only the 10+2 Lecturers for the seniority list who belong to the Union Territory of Jammu and Kashmir.

The applicants have filed the above titled O.A before the Hon'ble Central Administrative Tribunal, Jammu Bench wherein the applicants have contended that the applicants were appointed as 10+2 Lecturers in the erstwhile State of J&K by the respondent No. 1 and the applicants belong to the Districts of Leh and Kargil of erstwhile State of J&K. The respondent No. 1 issued Government Order No. 22-Edu of 2021 dated 27.01.2021 whereby final seniority list of +2 Lecturers was released and circulated and the names of the applicants also figured in the said Final seniority list.

General Administration Department in view of exclusion of employees of UT of Ladakh after the reorganization of erstwhile State of J&K issued Circular No. 20-JK(GAD) of 2021 dated 19.06.2021 whereby it has been impressed upon all the Financial Commissioner that any promotion effected with exclusion of employees serving in the UT of Ladakh are in contravention to the provisions of J&K Reorganization Act, 2019 hence not legally viable.

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The applicants have sought the following interim relief:-

- i) Directing the respondents to consider the applicants for promotion to the post of Senior Lecturers with two advance increments w.e.f 15.03.2021 as has been done by the respondent No. 1 by virtue of Government Order No. 59-Edu of 2021 dated 15.03.2021 by promoting Lecturers from UT of J&K and the applicants have been excluded being the Lecturers of UT of Ladakh.

Hon'ble Central Administrative Tribunal, Jammu Bench was pleased to pass the order on 07-10-2021, the operative part of which is as under:-

"Looking to the limited prayer made by the learned counsel for the applicants, we disposed of the O.A with direction to the respondents to treat this O.A as representation preferred by the applicants and take a decision on the same by passing a reasoned and speaking order within a period of six weeks from the date the receipt of a certified copy of this order".

The matter was examined in the Department in light of the Order of Hon'ble Central Administrative Tribunal, Jammu Wing and it was found that the representation received from Ladakh lecturer forum, UT of Ladakh has been processed and vide Communication dated 22-09-2021 the Secretary, School Education Department, UT of Ladakh was informed that in the backdrop of placement of 1700 lecturers as Senior Lecturers by the school Department, UT of J&K, from the final combined seniority of 2892 lecturers issued on 27-01-2021, the seniority was utilized upto 1800 and around 50 lecturers from UT of Ladakh cadre were also figuring in the seniority list upto 1800. It was further requested to Secretary, School Education Department, UT of Ladakh to place these lecturers as senior lecturers in UT of Ladakh as per their own proportion as 447 posts of lecturers have already been allocated to UT of Ladakh after commencement of State Reorganization Act 2019.

Keeping in view the directions of the Hon'ble Central administrative Tribunal, the representation of the applicants as projected in the OA has been considered by the Department and appropriate order vide

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Government Order No. 67-Edu of 2022 dated 11.02.2022 and Government Order No. 82-Edu of 2022 dated 24.02.2022 has been passed for their promotion as Sr. Lecturers as per their seniority. Further appropriate action will be taken by the UT of Ladakh under rules.

By Order of the Government of Jammu and Kashmir.


Sd/-
(B.K. Singh)
Principal Secretary to Government
School Education Department

Dated 25-05-2022

Edu-LGL0Jmu(CAT)/31/2021-01

Copy to the:-

1. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
2. Director School Education, Jammu/Kashmir for information
3. Pvt. Secy. to Principal Secy. to Government, School Education Department.
4. Concerned petitioner/applicants.
5. I/C Website.
6. Govt. Order file (w.3.s.c).


(Javid Ahmed)
Additional Secretary to Government
School Education Department



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

(Legal Section)

Subject:- T.A No. 61/1575/2020 titled Javed Iqbal Vs UT of J&K and others.

Government Order No: 1341 - Edu of 2022

D a t e d: 25-05-2022

Whereas, the Director School Education, Jammu vide communication No. DSEJ/NG/SRO-43/3131 dated 01.12.2010 forwarded the compassionate appointment case of Mr. Javid Iqbal S/o Late Mohd Yousuf, Ex-Teacher, Govt. Primary School Malai Zone Mahore with the submission that the deceased (Mohd Yousuf) was killed by unidentified persons/ militants on 04.08.2003 during his active service leaving behind his wife and four minor children. The applicant Sh. Javid Iqbal son of the deceased was minor at the time of death of his father,

Whereas, in the meanwhile the Deputy Commissioner, Reasi vide communication No. DC/RSI/1309/SM dated 24.01.2011 wherein it has been intimated that the application has received from one Smt. Shamshada Begum Wd/o Mohd. Yousuf R/o Mahore Tehsil Mahore District Reasi in which she has requested that she is legally wedded wife of the deceased, but the case under SRO-43 has been processed in the name of Javed Iqbal S/o Mohd. Yousuf (Son of the deceased from first wife). She has requested that appointment order in favour of Javed Iqbal may not be issued till the enquiry into the matter is made properly and the Director School Education, Jammu vide communication No. DSEJ/NG/SRO-43/34 dated 02.04.2011 has requested for instructions in the matter,

Whereas, the matter was taken up with the General Administration Department, who in turn vide U.O No.GDC-68/CM/2011-SRO dated 23.02.2017 returned the file with the following observations:

- i. Clearance report from the District Level Screening Cum Coordination Committee.
- ii. Justification, why the case has been delayed by nearly 08 years when the death occurred in the year 2003.
- iii. Exact date of application submitted by the applicant for seeking appointment under SRO-43 of 1994 with documentary proof.

Whereas, accordingly, the Director School Education, Jammu vide communication dated 20.03.2017 followed by communication dated 08.01.2020 was requested to furnish the requisite information;

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Whereas, in the meantime the Hon'ble Central Administrative Tribunal, Jammu vide order dated 21.12.2021 passed the following order:-

"Looking to the limited period prayed by the learned counsel for the petitioner, we dispose of the T.A with the direction to the respondents to treat this T.A as speaking order of the petitioner and dispose of the same by passing a reasoned and this order. A copy of the speaking order be given to the petitioner".

Whereas, the case of the applicant has been examined in the Department pursuant to the Deputy Commissioner, Reasi's communication No. DC/RSI/1309/SM dated 24.01.2011 and it has been found that one Smt. Shamshada Begum Wd/o Mohd. Yousuf R/o Mahore Tehsil Mahore District Reasi has submitted in her application that appointment order in favour of Javed Iqbal may not be issued till the enquiry into the matter is made properly.

Now, therefore, in view of the above circumstances, the claim of the applicant has been considered in light of the directions passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, Jammu on 21.12.221 passed in T.A No. 61/1575/2020 titled Javed Iqbal Vs UT of J&K and others, the School Education Department is not in a position to process the case for his appointment on compassionate ground till the issue of legal heir is settled amongst the family members of the deceased teacher.

By Order of the Government of Jammu and Kashmir.

Sd/-

(B.K. Singh)

Principal Secretary to Government
School Education Department

No. Edu-LGL0Jmu/24/2022-01

Dated 25-05-2022

Copy to the:-

1. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
2. Director School Education, Jammu for information and necessary action.
3. Deputy Commissioner, Reasi for information and necessary action.
4. Pvt. Secy. to Principal Secy. to Government, School Education Department.
5. Concerned petitioner/applicant.
6. I/C Website
7. Govt. Order file (w.3.s.c).



(Javid Ahmed)

Additional Secretary to Government
School Education Department