



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

Subject: O.A No. 62/1280/2020 titled Davinder Kumar & Ors V/s UT of J&K & Ors.

Government Order No: 126 - JK (Edu) of 2023.

Dated: 16.05.2023.

Whereas, the applicants filed OA No. 62/1280/2020 before the Hon'ble Central Administrative Tribunal Jammu and prayed for following relief in the matter:-

Prayer for commanding upon the respondents to accord consideration to the representation dated 15.10.2020 whereby the applicants are seeking their promotion as lecturer in the discipline Mathematics in School Education Department notionally w.e.f 08.07.2005 and on regular basis w.e.f 18.07.2008 as has been done in case of one Harbans Lal S/o Sh. Lal Chand R/o Village Lamberi Tehsil Nowshera District Rajouri (Retired Senior Lecturer of Mathematics) by taking into consideration the judgment already passed by the Hon'ble High Court of Jammu & Kashmir (Jammu Wing) in SWP No. 1662/2015 titled Subash Chander V/s State of J&K & Ors.

Whereas, the Hon'ble Central Administrative Tribunal Jammu vide order dated 21.12.2020 disposed of the OA application with the following directions:-

***"Looking to the limited prayer made by the learned counsel for the applicants, OA is disposed of at the admission stage itself with a direction to respondents to decide the representation of the applicants dated 15.10.2020 by passing a reasoned and speaking order in accordance with rules and with intimation to the applicant within a period of two months from the date of receipt of a certified copy of this order."***

Whereas, pursuant to the directions of the Hon'ble Central Administrative Tribunal Jammu, case of the applicants was examined in the Department and it was found that Sh. Harbans Lal (whose date of promotion as Master is 23.08.2003) has been shown / considered junior to all the three petitioners. Pertinent to mention that in the seniority list, issued vide Government Order No. 162-Edu of 2011, dated 04.03.2011, name of Sh. Harbans Lal has been incorporated at Seniority No. 93 with wrong date of promotion as Master i.e. 23.08.2002 due to unknown reasons. It is not known whether same has been done deliberately or unintentionally.

*Law*  
*ES*

Whereas, the Department at this juncture cannot consider the request of the petitioners for granting notional benefit of regularization as Lecturer w.e.f. 08.07.2005, which was given wrongly in favour of their junior counterpart Sh. Harbans Lal, as one wrong cannot justify another wrong.

Keeping in view, the facts and circumstance of the case and in compliance to the directions of the Hon'ble Central Administrative Tribunal passed in O.A No.62/1280/2020 titled Davinder Kumar & Ors V/s UT of J&K & Ors, the claim of the applicants having been considered in the department and being not tenable under rules is hereby rejected.

**By Order of the Government of Jammu and Kashmir.**

**Sd/-**

**Alok Kumar (IRS)**

Principal Secretary to the Government,  
School Education Department.

No: Edu-LGL0Jmu/16/2022-01(128035).

Dated: 16.05.2023.

Copy to the:

1. Joint Secretary (JK&L) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information.
3. OSD with the Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to the Principal Secretary to Government, School Education Department for information
5. Sh. Sudesh Magotra Ld. AAG, Hon'ble Central Administrative Tribunal Jammu for information.
6. Sh. Davinder Kumar, Mohd Farooq and Gandharb Singh (applicants) for information.
7. I/c Website for uploading the same on official website.
8. Government Order File/Concerned File (w.2.s.c)

**(Masood Ahmad Wani)**

Deputy Secretary to the Government,  
School Education Department.