



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

Subject: TA No. 369/2022 in WP(C) No. 1203/2021 titled Gulzar Singh Vs UT of J&K and Ors.

Government Order No: 191 - JK (Edu) of 2023.

Dated: 27 - 06 - 2023.

Whereas, the applicant Sh. Gulzar Singh had filed writ petition before the Hon'ble High Court and the Hon'ble High Court vide order dated 02.11.2022 transferred the writ petition to the Hon'ble Central Administrative Tribunal;

Whereas, the Hon'ble Central Administrative Tribunal vide order dated 01.12.2022 passed in TA/360/2022 titled Gulzar Singh Vs School Education Department has issued following directions:

"-----the respondents are directed to decide the claim of the applicant as per his representation/legal notice dated 25.03.2021 within two months from day as per rules by passing a reasoned and speaking order and communicate the same to the applicant. With this observation the T.A is disposed of. There will be no order as to costs".

Whereas, pursuant to the directions of the Hon'ble Central Administrative Tribunal, case of the applicant was examined in the department and it was found that a tentative seniority list of Masters (worked/working) as I/c Headmasters & equivalent was issued twice on 12.08.2011 and 26.04.2012 for inviting objections from the concerned members of the service;

Whereas, after issuance of the aforesaid tentative seniority list, large number of representations were received from both the Directors as well as directly from the concerned members, which were examined in the department and necessary incorporations as required were made in the tentative Seniority list;

Whereas, accordingly a final seniority list of Masters (working/worked as I/c Headmasters) comprising of 3911 members was issued vide Government Order No. 618-Edu of 2012 dated 02.08.2012;

Whereas, on the basis of aforesaid seniority list, the Department moved a regularization proposal of eligible Masters (working/worked as I/c Headmasters) as per the service particulars furnished by both the Directors of School Education against the available 2533 posts of Headmaster, which became available w.e.f. 01.09.1999 to 31.12.2011; and

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Whereas, the regularization proposal was placed before the Committee constituted for the purpose pursuant to Cabinet Decision No. 225/2011 dated 16.12.2011 for consideration;

Whereas, on the basis of recommendations of committee, vide Government Order No. 684-Edu of 2012 dated 04.09.2012, as many as 2529 1/c Headmasters & equivalent were regularized as Headmasters;

Whereas, as per available records, name of the petitioner Gulzar Singh was neither figuring in the seniority list of Masters issued vide Government Order No. 618-Edu of 2012 dated 02.08.2012 nor has he represented before the department for inclusion of his name in the said list;

Whereas, the petitioner represented to CEO Budgam in the year 2013 after issuance of regularization orders;

Whereas, otherwise too, the officer had retired on 30.04.1991, before accrual of vacancies;

Now, therefore, in compliance to Hon'ble Central Administrative Tribunal's Order dated 01.12.2022 passed in TA No. 369/2022, titled Gulzar Singh Vs UT of J&K & Ors, the claim of the applicant is considered 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(HC)/48/2021-01

Dated: 27-06-2023.

Copy to the: -

1. Joint Secretary (JK&L) Ministry of Home Affairs, Government of India.
2. Director School Education Kashmir 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. Gulzar Singh S/o Jaswant Singh R/o Village Attane Budgam Kashmir (applicant) for information.
6. I/c Website for uploading the same on official website.
7. Government Order File/Concerned File(w.2.s.c)


(Masood Ahmad Wani)
Deputy Secretary to the Government,
School Education Department.

