

Government of Jammu and Kashmir
School Education Department
Civil Secretariat, Jammu/Srinagar.

Subject: CP No. 56/2023 in O.A No. 1257/2022 titled Anita Kumari vs UT of J&K &Ors.

GOVERNMENT ORDER NO : 192 -JK(Edu) of 2023
D A T E D: 27 -06 - 2023

Whereas, the applicant, Anita Kumari was engaged as Rehbar-E-Taleem (ReT) teacher on 01.07.2014 and after completing five years of service as ReT teacher, the applicant was regularized as General Line Teacher on 01.07.2019. Vide order No. 04 of 2020 dated 15.04.2020 issued by Chief Education Officer, Rajouri, the applicant was converted as Teacher Grade-II in the School Education Department. In the year 2016, the applicant got married to one Milon Kumar who is also a General Line Teacher and presently posted in District Doda. The applicant is alleging that she is facing a lot of difficulty to look after her minor children as the School, where she is working is in District Rajouri and her residence is in District Doda which is about 350 km.

Whereas, the applicant along with one Braham Kishore, 3rd Teacher, GUPS, Dessa, District Doda moved an application before Director, School Education, Jammu on 18.02.2021 for mutual transfer. Thereafter, the case of the applicant along with Sh. Braham Kishore, 3rd Teacher GUPS, Dessa, District Doda was processed by the Director, School Education, Jammu and vide communication no. DESJ/NG/Tr/16460-62 dated 06.05.2021 Director, School Education, Jammu submitted the case to the Administrative Department. The applicant also submitted various representation dated 27-11-2021, 09-12-2021, 23-02-2022 and 24.03.2022 for consideration of matter but no decision was taken.

Whereas, feeling aggrieved, the applicant has filed Original application No. 1257/2022 titled Anita Kumari vs UT of J&K &Ors before the Hon'ble Central Administrative Tribunal, Jammu and has sought following relief in the matter:-

"The applicant who is a teacher, Grade-II presently posted in Government primary School Darman Gali, Rajouri seeking the issuance of appropriate directions to the respondents for her inter-district transfer on mutual basis with one Sh. Braham Kishore 3rd teacher GUPS Dessa, District Doda."

Whereas, the Hon'ble Central Administrative Tribunal vide order dated 09.09.2022 has disposed of the Original Application with the following directions:-

".....I have considered the submissions made by Ld. Counsels for both the sides and perused the material on record. Without commenting on the merits of the case, the O.A. is disposed of at this stage, with direction to the respondent to consider and decide the pending representation of the applicant dated 24.03.2022, as per rules and regulations governing the subject with a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order...."

Whereas, the applicant has filed Contempt Petition before the Hon'ble Central Administrative Tribunal and the contempt petition was listed on 23.02.2023 and the Hon'ble CAT has passed the following Order:-

"We have heard learned counsel for the applicant. The present C.P has been filed by the applicant on the ground of wilful disobedience of the order passed by this Tribunal. There are sufficient grounds to issue notice to the respondents.

Let the notice be issued to the respondent's returnable within six weeks."

Whereas, the case of the applicant was examined in the Department and it was found that the transfer of Teacher Grade -II is admissible on mutual basis under Government Order No 20-Edu of 2019 dated 22-01-2019 (State Administrative Council decision No 166/22/2018 dated 07.12.2018). Point 3(a) of the said order which is applicable in this case reads as under:-

".....The service conditions of the Teachers Grade -II shall be the same as prescribed for the General Line Teachers with the exception that they shall not be transferable except on the mutual transfer basis to the post of other teacher Grade-II/RRETs/ReTs in exceptional circumstances....."

Now, therefore, keeping in view the facts and circumstances of the case as well as the order dated 09.09.2022 passed by the Hon'ble Central Administrative Tribunal, Jammu in case OA No. 1257/2022 titled Anita Kumari vs UT of J&K &Ors, sanction is hereby accorded to the inter-district transfer of the following RRET (3rd teacher)/Teacher Grade II on reciprocal basis

S.No	Name	Designation	Present place of posting	New Place of posting
1.	Smt. Anita Kumari	Teacher Grade-II	GPS Draman Gali Zone Khawas Rajouri	GUPS Dessa Zone Bhagwah, District Doda
2.	Sh. Braham Kishore	3rd Teacher(RRET)	GUPS Dessa Zone Bhagwah, District Doda	GPS DramanGali Zone Khawas Rajouri

The above said mutual order is subject to the following conditions.

1. The teachers so transferred are working at their actual place of appointments.

2. They have not been promoted/appointed/selected on higher post as on date.
3. Having minimum one year of service in their cadre.
4. No TA/DA is allowed to the transferee.

By Order of Government of Jammu and Kashmir.

Sd/-


Alok Kumar (IRS),
Principal Secretary to the Government.
School Education Department.

Dated:27.06.2023

No. Edu-LGL0Jmu(CAT)223/2022-01

Copy to the:

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Commissioner/Secretary to the Government, General Administration Department.
3. Director School Education Jammu for information.
4. Director, Archives, Archaeology and Museum, J&K.
5. OSD with the Advisor (B) to the Lieutenant Governor, UT of J&K for information.
6. Chief Education Officer concerned for information.
7. Private Secretary to the Principal Secretary to Government, School Education Department for information.
8. Smt. Anita Kumari, Teacher Grade -II, Government primary School Draman Gali, Rajouri(Applicant) for information.
9. Sh. Braham Kishore 3rd Teacher, GUPS Dessa, for information.
10. I/C Website for uploading the same on Official website.
11. Government Order File/Concerned file (w.2.s.c).


(Mohammad Iqbal Mir) JKAS
Under Secretary to the Government

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