



GOVERNMENT OF JAMMU & KASHMIR
SCHOOL EDUCATION DEPARTMENT
CIVIL SECRETARIAT, J&K

Subject: OA.No.1193/2023 titled Mohd Shafiq v/s UT of J&K & Ors..

Government Order No. 396-JK (Edu) of 2023
Dated: 05-12-2023

Whereas, vide Notification No. 01-JK (Edu) of 2023 dated 26.04.2023, online representation were invited from various teaching cadres of Education Department including the Lecturer Cadre for consideration of transfer during the year 2023 and in response, representation of Mohd Shafiq was received by the Department through Online Transfer Portal;

Whereas, the representation of Mohd Shafiq was considered under the provisions of the Transfer Policy issued by the Department vide Government Order No. 103-JK(Edu) of 2023 dated 24.0.2023 and subsequently, the applicant, Mr. Mohd Shafiq lecturer English working at HSS Lati Udhampur (Zone-IV) was transferred and posted at HSS Sudhmahadev (Zone-IV) vide G.O No. 260-Jk(Edu) of 2023 dated 30.08.2023.;

Whereas, Mohd Shafiq pursuant to his transfer filed OA.No.1193/2023 titled Mohd Shafiq v/s UT of J&K & Ors before the jurisdictional Tribunal of Hon'ble Central Administrative Tribunal at Jammu praying for following reliefs:-

- i. Quash order impugned bearing Govt. Order No.260-JK(Edu) of 2023 dated 30.08.2023 to the extent it pertains to his transfer from Higher Secondary School, Latti, Udhampur to Higher Secondary School Sudhmahadev, Udhampur.
- ii. Direct the respondents to allow the applicant to continuously serve in Higher Secondary School, Latti, Udhampur.

Whereas, the Hon'ble CAT after hearing the applicant disposed the OA by passing order dated 06.09.2023, the operative part of which is reproduced as under:

"..... Accordingly, the Original Application is disposed of with a direction to the Principal Secretary to Government, of School Education, Union Territory of Jammu & Kashmir to decide the

applicant's representation dated 09.06.2023 and pass a reasoned and speaking order while keeping in view the provisions of notification dated 26.04.2023 and provisions of Clause C-16 of the policy guidelines dated 24.04.2023. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of ten days from the date of receipt of a certified copy of this order.

So long as the applicant's representation remains pending with the Principal Secretary to Government, of School Education, Union Territory of Jammu & Kashmir, the applicant shall be permitted to work at Government Higher Secondary School, Latti, Udhampur. Ordered accordingly.

However, there shall be no orders so as to costs."

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, vide letter dated 20.09.2023, the applicant was requested to appear in the Administrative Department for hearing on 21.09.2023. The applicant appeared on the scheduled date and time and the applicant was heard in person and was also allowed to submit his written statement as well;

Whereas, in his written statements, the applicant has stated that he has been transferred from HSS Lati Udhampur (Zone-IV) and posted at HSS Sudhmahadev and has stated that he has submitted willingness to continue at the same school as he is suffering from Life consuming disease as per the certificate issued by GMC. The applicant also stated that his wife is also serving in Health Department and posted at NTPHC Banddhole, Tehsil Latti, Udhampur. The applicant has requested that he may kindly be retained at HSS Latti on Medical grounds;

Whereas, the case of the applicant was thoroughly examined in light of the written submissions adduced by the applicant as well as the standing rule position and the directions of the Hon'ble Central Administrative Tribunal and it has been found that the applicant has a stay of 07 years in the same school i.e HSS Latti (Zone-IV) and cannot be retained in the same school for administrative reasons. In terms of Clause-C(vi), of Notification No. 01-Jk(Edu) of 2023 dated 26.04.2023, Department reserves the right to post/adjust the employees beyond the choice opted by him/her for administrative reasons as well as the availability of vacancy.

Now, therefore, in light of the above stated facts and circumstances, the claim of the applicant has been considered and in view of his health/medical condition and the applicant is hereby transferred and posted at HSS,Bupp, Udhampur against clear vacancy which is approximately fifteen(15) kms only from the place of residence of the applicant. The applicant is further directed

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to immediately join at new place of posting without any further delay, failing which strict disciplinary action shall be initiated against him under rules. .

By order of the Government of Jammu and Kashmir.

Sd/-
(Alok Kumar), IRS
Principal Secretary to the Government

No: Edu-LGL0Jmu(CAT)/423/2023-01

Dated:- 05.12.2023

Copy to the:-

1. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
2. Director, SCERT, J&K.
3. Secretary, JKBOSE.
4. Director, School Education, Jammu/Kashmir.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
6. Project Director, Samagra Shiksha J&K.
7. Chief Education Officer Udhampur.
8. Concerned.
9. Private Secretary to Principal Secretary to Government, School Education Department Department.
10. I/c website.
11. Government Order file (w.2.s.c).

(Abhishake Abrol) JKAS
Deputy Secretary to the Government
School Education Department.