



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

Subject: CP No. 178/2022 in O.A No. 61/666/2022 a/w OA No. 1039/2022 titled
Jai Singh and others Vs B.K. Singh

Government Order No. 453 - JK (Edu) of 2023.

Dated: 20.12.2023.

Whereas, the applicants have filed Original Application before the Hon'ble Central Administrative Tribunal, Jammu and sought following relief in the matter:-

- i. Directing the respondents to place the applicants as Senior Lecturers in School Education Department retrospectively from the date their juniors have been placed i.e. from the year 2011 and 2013 with all the consequential benefits as the respondents have placed the applicants as Senior Lecturers vide Government Order No. 59-Edu of 2021, dated 15.03.2021 prospectively and not from the date their juniors have been placed.
- ii. Directing the respondents to re-fix the seniority of the applicants as Senior Lecturers w.e.f. the date their juniors have been placed as Senior Lecturers.
- iii. Directing the respondents to update the Seniority List of Senior lecturers by including the names of the applicants at their respective places after re-fixing their seniority.
- iv. Directing the respondents not to make any promotion / placement / Incharge arrangement to the post of Principals on the basis of Seniority list dated 26.05.2020.

Whereas, the Hon'ble Central Administrative Tribunal Jammu vide order dated 15.07.2022 has disposed of the OA with the following directions:-

....."Considering the submissions made by the learned counsel for the applicants and the material on record, I consider it appropriate to dispose of this O.A. at the admission stage itself with direction to the respondents to treat the O.A. as representation of the applicants and decide the matter by passing a reasoned and speaking order as per extant rules within a period of eight weeks from the date of receipt of a certified copy of this order. Till a decision is taken on the representation of the applicants, selection/promotion to the post of Principal shall be put on hold."

Whereas, the applicants have also filed Contempt Petition bearing No. 178/2022 before the Hon'ble Central Administrative Tribunal;

Whereas, in compliance with the above directions of the Hon'ble Central Administrative Tribunal case of the applicant was considered and examined in the Department and it has been observed that the applicants had obtained their PG Degrees through distance mode and were dropped for their regularization as Lecturers at the relevant point of time. However, on the recommendations of the DPC meeting held on 15.07.2019, the Department vide Government Order No. 333-Edu of 2019, dated 18.10.2019 regularized these Lecturers (Deferred Cases of previous DPC meeting) from different dates (i.e. 2003 to 2009);

Whereas, the applicants who were recently placed as Sr. Lecturers have contended to place them as Sr. Lecturers w.e.f. 25.02.2011 & 13.12.2013 (i.e. from the dates their juniors were placed as Sr. Lecturers vide Government Order No. 1074-Edu of 2013, dated 30.12.2013) with consequential benefits and fix their seniority at appropriate place in the existing seniority list of Sr. Lecturers. As regards claim for seniority, if, at this juncture, seniority benefit w.e.f. 25.02.2011 & 13.12.2013 is conferred upon the applicants, it may upset various intervening claims of persons who are not even before the Hon'ble Central Administrative Tribunal. In the circumstances, such a relief can also not be extended in favour of the applicants;

Now therefore, keeping in view, the facts and circumstance of the case and in compliance to the directions of the Hon'ble Central Administrative Tribunal, Jammu passed in O.A No. 61/666/2022 and OA No. 1039/2022 titled Jai Singh and others Vs UT of J&K & Ors, claim of the applicants has been considered in the Department and being not tenable under rules is hereby rejected.

By order of the Government of Jammu & Kashmir.

Sd/-


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

No: Edu-LGL0Jmu(CAT)/152/2022-01

Dated: 20.12.2023.

Copy to the:-

1. Joint Secretary (J, K & L) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD with Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to Principal Secretary to Government, School Education Department for information.
5. Sh. Sudesh Magotra Ld. AAG, Hon'ble Central Administrative Tribunal, Jammu for information.
6. Jai Singh and others (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 Ahmed Wani)
Deputy Secretary to the Government.

