



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

Subject: - CP No. 233/2021 in O.A No.61/652/2020 titled Dalbir Singh Jamwal V/s U.T of J&K & Ors.

Government Order No: - 94 -JK(Edu) of 2023

Dated: - 17 - 04- 2023

**Whereas**, the applicant Sh. Dalbir Singh Jamwal has filed original application before the Hon'ble Central Administrative Tribunal Jammu. The applicant has prayed to decide his representation dated 26.11.2019 by passing a speaking/reasoned order within the stipulated period of time by placing the applicant over and above the private respondents 3 and 4 and also to pay the monetary benefits with all consequential benefits.

The Hon'ble Central Administrative Tribunal vide order dated 11.11.2019 has disposed of the OA with the following directions:-

".....Looking to the limited prayer made by learned counsel for the applicant, O.A is disposed of at the admission stage itself with a direction to the respondents/competent authority to consider and decide the representation of the applicant dated 26.11.2019 (Annexure A-3) by passing a reasoned and speaking order in accordance with rules and regulation within a period of three weeks from the date of receipt of a certified copy of this order with intimation to the applicant."

The applicant has also filed contempt petition bearing No. CP No. 233/2021 before the Hon'ble Central Administrative Tribunal Jammu.

**Whereas**, pursuant to the directions of the Hon'ble Central Administrative Tribunal Jammu, the case of the applicant was examined in the department and it was found that as per eligibility list, against the total available vacancies (27 in number) accrued as on 16.11.2005, Mr. Rakesh Kumar Sharma (Sty No. 174) was considered for regularization against the said available vacancy w.e.f 25.09.2007 (i.e the date of his placement) as he passed his PG on 19.09.2005 and eligible for the same against the said available vacancy. However, the petitioner (Dalbir Singh Jamwal) being senior (Sty No. 168) on the strength of date of 1st appointment was not considered against the said available vacancy as accrued on 16.11.2005 due to the fact that he has passed his PG degree on 30.01.2006 i.e after the accrual of said vacancy. The next vacancies were accrued on 13.05.2008 (total 25 numbers) and Mr. Dalbir Singh Jamwal (applicant) was considered against the said vacancy and regularized w.e.f 13.05.2008.

**Whereas**, the regularization effect has been given correctly to the applicant and respondent on the basis of criteria of regularization as laid down under norms in vogue i.e. date of placement or availability of vacancy or date of eligibility whichever is later as per Government Order No. 743-GAD of 2007 dated 28.06.2007

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 CP No.233/2021 &O.A No. 61/652/2021 titled Dalbir Singh Jamwal V/s U.T of J&K, the claim of the petitioner has 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-LGL0Cou/155/2021-01

Dated:- 17-04-2023

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. Chief Education Officer concerned for information.
5. Private Secretary to the Principal Secretary to Government, School Education Department for information
6. Sh. Raman Sharma Ld. AAG, High Court of J&K & Ladakh for information.
7. Sh. Dalbir Singh Jamwal (Applicant) for information.
8. I/C Website for uploading the order on official website.
9. Government Order file/concerned file(w.2.s.c)

  
**(Masood Ahmad Wani)**  
Deputy Secretary to the Government.

