

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

Subject:- C.P No. 160/2024 in TA No. 6425/2020 titled Usha Manwati & Ors vs UT of J&K & Ors.

GOVERNMENT ORDER No: -249 - JK (Edu) of 2025

DATED: - 26 - 03-2025

Whereas, a writ petition bearing No. 2047/2018 came to be filed before the Hon'ble High Court of J&K, at Jammu having title Usha Manwati and others, seeking following reliefs:-

- a. To direct the respondents to release the Salary and salary arrears of petitioners due from March, 2004 to February, 2018\closing financial year 2017-2018 including the arrears which have become due till the date of filing of writ petition and future salary in case of those who are still in service with interest.
- b. To release the gratuity of retired employees of Private Aided Institution at the earliest.

Whereas, the Hon'ble High Court has transferred the case of the petitioners to the Hon'ble Central Administrative Tribunal Jammu which was numbered as T.A no. 6425/2020. The Transfer application was listed on 22.02.2024 before the Hon'ble Central Administrative Tribunal and the Hon'ble Central Administrative Tribunal disposed of the same with the following order:-

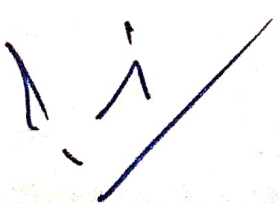
"....Accordingly, the Transferred Application is disposed of with a direction to respondents to treat this T.A. as representation of the applicants keeping in view the Annexure A-E of the petition and also the action report filed by the Finance Department dated 26.12.2019 releasing arrears of salary and pensionary benefit to the applicants and decide the same by passing a reasoned and speaking order. Respondents are further directed to communicate the order so passed to the applicants. The whole exercise shall be completed within a period of four weeks from the date of receipt of a certified copy of this order. With these directions, T.A. No. 6425 of 2020 is disposed of."

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Whereas, the petitioners have filed a contempt petition No. 160/2024 before the Hon'ble Central Administrative Tribunal and the contempt petition was listed on 28.02.2025 before the Hon'ble Central Administrative Tribunal, and the Hon'ble Central Administrative Tribunal has issued the following directions:

"...Learned counsel for the respondents is granted four weeks time as a matter of last opportunity to file the reply, failing which the salary of the Secretary Education would be stopped on the next date hearing."

Whereas, the case of the applicants was examined by the department, in light of the Annexure ~~A-F~~ attached with writ petition(TA) filed by the petitioners/applicants and it has been found that the petitioners, as migrant employees of private aided schools, were paid their salary for the period from February 1990 to March 2004, in compliance with Government Orders and funds provided under Grant-in-Aid (GIA) scheme by the Administrative Department. These payments were made under the Grant-in-Aid (GIA) scheme, which was in operation during that time. The petitioners' claims for salary and arrears from March 2004 onwards cannot be entertained in view of the fact that the Grant-in-Aid (GIA) scheme, which was previously operational for private aided schools, including those for migrant teachers, is no longer in operation. As per the latest report from the Director School Education Jammu, the GIA scheme has been discontinued, and no funds are available for further disbursements under this scheme. The private aided schools in question have been rendered non-functional and are no longer operational. As a result, the migrant teachers are not actively working in these institutions. Since the schools are no longer functioning, and no operational work is being undertaken, the claim for salary payments for the post-2004 period is not justifiable.



Now, therefore, considering the facts and circumstances of the case and in compliance with the directions of the Hon'ble Central Administrative Tribunal's order dated 22.02.2024 passed in TA No. 550/2024 titled Usha Manwati Vs U.T of J&K & Ors. the claim of the applicant has been duly considered by the Department and, being untenable under the rules, is hereby rejected.

Sd/-
Shantmanu, (IAS)
Financial Commissioner (Additional Chief Secretary)
School Education Department.

No:- Edu-LGL0Jmu(CAT)/134/2024-01

Dated:-26 .03.2025

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD to Hon'ble Minister for School Education Department for information.
4. Concerned Ld. AAG, Hon'ble High Court, Jammu for information.
5. Private Secretary to Financial Commissioner, (Additional Chief Secretary), School Education Department for information.
6. Usha Manwati (Applicant) for information.
7. I/C Website for uploading the same on official website.
8. Government Order File/ Concerned File (w.2.s.c).

(Thannaji Bhat),
Under Secretary to the Government,
School Education Department.

26.03.2025