



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

Subject: C.P No. 168/2024 in MA No. 186/2024, OA No.1632/2023
titled Avit Kumar Vs UT of J&K & Ors.

Government Order No. 255 -JK (Edu) of 2025

Dated: 01 -04-2025

Whereas, the applicant, Avit Kumar, Lecturer Botany was transferred from Govt. HSS Malothi, Doda to Govt. HSS, Behota, Doda Vide Government Order No. 261-JK(Edu) of 2023 dated 30.08.2023;and

Whereas, the applicant challenged the transfer order supra, before the Hon'ble Central Administrative Tribunal Bench Jammu, under Original Application No. 1143/2023. The Hon'ble Central Administrative after considering the matter passed an order dated 06.09.2023, directing the respondents to consider the pending representation of the applicant and pass reasoned and speaking order accordingly. The said order was examined in the Department and case of the applicant was considered and same was found not tenable under rules, accordingly, was rejected vide Government Order No. 398-JK(Edu) of 2024 dated: 05.12.2023, with the further direction to join at HSS, Behota, Doda (Zone-4) without any further delay; and

Whereas, the applicant again challenged the Government Order No. 398-JK (Edu) of 2023 dated: 05-12-2023 and filed OA No. 1632/2023 titled Avit Kumar V/s UT of JK and others before the Hon'ble Central Administrative Tribunal , Jammu praying for following reliefs:-

- I. Prayer seeking quashing of Government Order no.398-JK(Edu) of 2023 dated 05.12.2023 passed by respondent no.1 vide which it has been ordered that the claim/representation of the applicant has been found not tenable under rules and is hereby rejected. The applicant is further directed to immediately join as HSS Behota Doda (Zone 4) without any further delay failing which

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strict disciplinary action shall be initiated against him under rules and also the reliving order no. HSS/M/Estt/368-71 dated 08.12.2023 passed by respondent No. 3 with directions to report to Principal HSS Behota Doda for further duties, and the same is grossly arbitrary, passed with non-application of mind, in violation of the Transfer Policy in vogue and in the given facts and circumstances of the case.

- II. Prayer seeking direction for the respondents to post the applicant in District Jammu in pursuance to Para C (16) of the Transfer Policy issued vide Government Order No.103-JK(Edu) of 2023 dated 24.04.2023 and as per the preferences opted by the applicant, in the given facts and circumstances of the case.

Whereas, the Hon'ble CAT after hearing the applicant disposed the OA by passing order dated 06.02.2024, the operative part of which is reproduced is as under:

".....Accordingly, the Original Application is disposed of with a direction to respondents to treat this O.A. with all annexures as representation of the applicant and consider the same by passing reasoned and speaking.

Respondents are further directed to communicate the order so passed to the applicant. The whole exercise shall be completed within a period of three weeks from the date of receipt of a certified copy of this order.

With these directions, the O.A. No. 1632 of 2023 is disposed of. It is made clear that I have not entered into the merits of the case. However, there shall be no orders so as to costs. "

Whereas, the applicant has also filed MA No. 186/2024 in OA No. 1632/2023 and the Hon'ble Central Administrative Tribunal has passed the following order:-

".....Accordingly, the order is corrected to the extent that para 3 should be read as:

Accordingly, the Original Application is disposed of with a direction to respondents to treat this O.A. with all annexures as representation of the applicant and decide the same by passing reasoned and speaking order keeping in view the vacant position of Lecturer Botany viz HSS Sohal Jammu, HSS Bakshi Nagar Jammu, DIET Jammu, SCERT Jammu, JKBOSE Jammu, in pursuance to Para C(16) of the Transfer Policy



issued vide Government Order No. 103-JK (Edu) of 2023 dated 24.04.2023;and

Whereas, the applicant has filed contempt petition before the Hon'ble Central Administrative Tribunal, Jammu bench Jammu.

Whereas, the applicant's case was re-examined by the department and, upon review, was found to be untenable under the applicable rules. Consequently, the case was rejected as per Government Order No. 418-JK(Edu) of 2024, dated 10.10.2024, with the further directive that the applicant join at HSS, Behota, Doda (Zone-4) without further delay."

Whereas the contempt petition was again listed on 28.02.2025 before the Hon'ble Central Administrative Tribunal Jammu and Hon'ble Central Administrative Tribunal Jammu has passed the order with the following directions:-

" In the meantime, the Principal Secretary, School Education Department is directed to pass a fresh order keeping in view the vacant position of lecturer Botany viz HSS, Sohal Jammu, Hss Bakshi Nagar Jammu, DIET Jammu, SCERT Jammu, JKBOSE Jammu, in pursuance of para C(16) of the Transfer Policy issued vide Govt. Order No. 103-JK(Edu) of 2023 dated 24.04.2023, failing which he would remain present before this Tribunal on the next date of hearing. List on 01.04.2025."

Now therefore, keeping in view the above stated facts and circumstances of the case, the claim of the applicant has been considered in the light of directions passed by the Hon'ble Central Administrative Tribunal, Jammu on 06.02.2024 & 28.02.2025 in O.A No.61/1632/2023 & C.P No. 168/2024 titled Avit Kumar Vs UT of J&K & Ors, the applicant is hereby transferred and posted at Higher



Secondary School Sohal, Jammu. The applicant is further directed to immediately join at new place of posting without any further delay.

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

No:- Edu-LGL0Jmu(CAT)/355/2023-04

Dated:- 01.04.2025

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. Avit Kumar (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.