



Government of Jammu & Kashmir
School Education Department
Civil Secretariat, J&K

Subject: OA No. 61/1013/2024 titled Balraj Sharma Vs UT of J&K and Others.

Government Order No. 300- JK (Edu) of 2025.
D a t e d: 16.04.2025.

WHEREAS, the Department has received a copy of order dated 12.09.2024 passed by the Hon'ble Central Administrative Tribunal Jammu Bench in the above titled case for information and further necessary action; and

WHEREAS, the Hon'ble Central Administrative Tribunal Jammu Bench vide order dated 12.09.2024 has passed the following directions:-

"The instant Original Application has been filed by the applicant praying for the following relief(s):-

- i. **Direct the respondents to regularize the services of the applicant as Headmaster and equivalent w.e.f. 16.12.1998 on the analogy his junior namely Darshna Kumari, Shakeela Begum and Subash Chander Sharma have been regularized vide order dated 08.07.2023 and further grant 2nd time bound promotion w.e.f. 01.10.1999 along with all consequential service benefits.**
- ii. **Any other order or direction which this Hon'ble Tribunal deems appropriate and consider the applicant entitled thereto be also issued.**

WHEREAS, at the outset, learned counsel for the applicant submitted that the applicant would be satisfied if the present Original Application is disposed of with a direction to respondents to treat this O.A. as representation of the applicant and decide the same by passing a reasoned and speaking order within a time frame; and

WHEREAS, Ld. Counsels for the respondents vehemently opposed the prayer made by Ld. Counsel for the applicant; and

WHEREAS, the Original Application is disposed of with a direction to respondents to treat this O.A. as representation of the applicant and consider the case of the applicant for the regularization as the Head Master along with other consequential benefits as has been given to the juniors of

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the applicant and to decide the same within a period of six weeks from today by passing a speaking and reasoned order; and

WHEREAS, respondents are further directed to communicate the order so passed to the applicant. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of a certified copy of this order. With these directions, O.A. No. 1013 of 2024 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; and

WHEREAS, upon examination, it has been found that matter pertains to the regularization of Headmaster and the Hon'ble CAT has given direction to treat the OA as representation and pass a speaking order in the matter; and

WHEREAS, it is submitted that vide Government Order No.43-JK(Edu) of 2023 dated 15.02.2023, Updated/Final Inter-Se-Seniority of Masters (Worked/Working as incharge Headmasters and equivalent) was issued. The applicant is figuring at Seniority No.23. The details of his service particulars are given below:-

Sty. NO.	Name	Place Of Posting	Date Of Birth	Date Of Retirement	Date Of Appointment As Teacher	Date Of Promotion As Master	Date Of Promotion As I/C Headmaster & Equivalent	Proposed Date Of Regularization
23	Balraj Sharma	HS Siot	25-07-45	31-07-03	11-11-63	19-10-81	10-11-98	Retired before 01-12-2011 when the last candidate Mr. Ram Lal was regularized in the DPC of 2012

WHEREAS, case of the petitioner actually pertains to the DPC meeting held in the year 2012. The minutes of meeting of the DPC, reveal that out of 3911 incharge Headmasters and equivalent working / worked in the incharge capacity, only 2533 incharge lecturers and equivalent were cleared for regularization against 2533 vacancies available in the cadre w.e.f. 09/1999 upto 30.12.2011 in light of General Administration Department order No.743-GAD of 2007 dated 28.06.2007 reproduced as under:

"Promotion of a Government employee shall take effect from the date, he has been formally put incharge of the higher post, subject to his eligibility in accordance with the Recruitment Rules and availability of the vacancy. His clearance/ regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, whichever is later."


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WHEREAS, perusal of the records of the DPC meeting held in the year 2012, reveal that the last incumbent was Mr. Ram Lal, regularized w.e.f. 01.12.2011; and

WHEREAS, the junior counterparts of the petitioner mentioned in the OA have been regularized w.e.f. 01.12.2011 in the DPC meeting held in the year 2023, as they had been in active service at the time of accrual of substantive vacancies of Headmasters while the petitioner had retired on 31.07.2003 before the accrual of vacancy; and

Now, therefore keeping in view the above facts /circumstances, the claim of the petitioner/applicant seeking his regularization as Headmaster w.e.f. **16.12.1998** at par with other junior counterparts mentioned in the OA, who have been regularized w.e.f. **01.12.2011**; is devoid of merit, as the petitioner has retired on 31.07.2003 before accrual of vacancy and is hereby rejected in light of Government Order No.743-GAD of 2007 dated 28.06.2007.

By order of the Government of Jammu and Kashmir.

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

No:Edu-LGL0Jmu(CAT)/829/2024-01/7605106 Dated: 16.04.2025.

Copy to the:

1. Joint Secretary J&K, Ministry of Home Affairs, Government of India.
2. Director School Education, Jammu/Kashmir.
3. Director Archives, Archaeology & Museum, J&K.
4. Concerned Chief Education Officer.
5. Concerned for information.
6. Private Secretary to Financial Commissioner (Additional Chief Secretary), School Education Department.
7. I/c Website, School Education Department.
8. Government Order file (w.2.s.c).

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

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15.04.2025