



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

Subject: OA No. 1164/2023 titled Khurshed Ali Vs UT of J&K & Ors.

Government Order No. 159 -JK (Edu) of 2024
Dated: 05-03-2024

Whereas, vide Notification No. 01-JK (Edu) of 2023 dated 26.04.2023, online representations were invited from various teaching cadres of Education Department including the Lecturer Cadre for consideration of transfer during the year 2023 and in response, representation of Khurshed Ali was received by the Department through Online Transfer Portal-2023;

Whereas, the transfer request of Khurshed Ali, Lecturer Pol. Science so received via Online Transfer Portal-2023 was considered under the provisions of the Transfer Policy issued by the Department vide Government Order No. 103-JK(Edu) of 2023 dated 24.04.2023 and subsequently, the applicant, Khurshed Ali, Lecturer Pol. Science working at HSS Bhaddu, Kathua has been transferred and posted at HSS Dullangal, vide G.O No. 277-Jk(Edu) of 2023 dated 31.08.2023;

Whereas, Khurshed Ali pursuant to his transfer filed OA.No.1164/2023 titled Khurshed Ali V/s UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:-

- Quash the impugned Transfer Order dated 31.08.2023, to the extent Serial No.97, whereby the applicant herein has been transferred from his present place of posting i.e. Government Higher Secondary School Bhaddu to Higher Secondary School Dullangal, Kathua.

Whereas, the Hon'ble CAT after hearing the applicant disposed of the OA by passing order dated 11.09.2023, the operative part of which is reproduced as under:

".....Accordingly, the Original Application is disposed of with a direction to the Principal Secretary to Government, Department of School Education, Union Territory of Jammu & Kashmir to decide the applicant's representation dated 01.09.2023 while keeping in view the provisions of the policy guidelines dated 24.04.2023. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of ten days from the date of receipt of a certified copy of this order.

So long as the applicant's representation remains pending with the Principal Secretary to Government, Department of School Education, Union Territory of Jammu & Kashmir, the applicant shall not be displaced from Government Higher Secondary School, Bhaddu, Kathua.

Ordered accordingly. However, there shall be no orders so as to costs."

Whereas, the applicant was requested to appear in the Administrative Department for hearing on 21.09.2023. The applicant appeared on the scheduled date and time and the applicant was heard in person and was also allowed to submit his written statement as well;

Whereas, in his written statements, the applicant has stated that he has been transferred from GHSS Bhaddu Kathua to HSS Dullangal, Kathua which is very hard zone and about 200 Kms away from his residence. Further, the applicant has stated that his mother is in old age and is suffering from various ailments and he himself is on the verge of retirement, as such, applicant has requested that either he may be retained or should be transferred to any suitable school.

Whereas, the case of the applicant has been thoroughly examined in light of the written submission adduced by the applicant as well as the standing rule position and the directions of the Hon'ble Central Administrative Tribunal and it has been found that the applicant is desirous of retention in the same school and his request can be considered for his retention in Zone IV.

Now, therefore, in light of the above stated facts and circumstances, the claim of the applicant has been considered in light of the directions passed by the Hon'ble Central Administrative Tribunal, Jammu on 11.09.2023 passed in OA. No. 1164/2023 titled Khurshed Ali Vs UT of J&K & Ors and his request for retention at HSS Bhaddu, Kathua (Zone 4) is accepted and therefore, the applicant has been retained at HSS Bhaddu, Kathua.

By order of the Government of Jammu and Kashmir.

Sd/-

(Dr. Piyush Singla), IAS,
Administrative Secretary
School Education Department

No: Edu-LGLOJmu(CAT)/317/2023-04

Dated:- 05.03.2024

Copy to the:-

1. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
2. Director, School Education, Jammu.
3. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
4. Chief Education Officer, Kathua.
5. Principal Concerned for necessary compliance in the matter.
6. Concerned.
7. P.A to Administrative Secretary, School Education Department.
8. I/c website.
9. Government Order file (w.2.s.c).

(Abhishek Adrol), JKAS
Deputy Secretary to the Government
School Education Department