



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

Subject: CP No. 107/2023 in T.A. No. 1761/2021 titled Mohd Shafi Bhat Vs UT of J&K and Ors- regarding voluntary retirement.

Government Order No: 182-JK (Edu) of 2024
Dated: 12 .03.2024

Whereas, the Director, School Education, Kashmir vide his letter No. DSEK/NT/Vol-retire/46/260-2017/Bla/988 dated 14.12.2017 conveyed that one Mr. Mohammad Shafi Bhat, Senior Assistant, CEO, Baramulla, has requested for his voluntary retirement w.e.f. 01.01.2018 and;

Whereas, the case was examined in the Department, and the Director, School Education Kashmir, vide this Department's letter dated 23.03.2018, was requested to furnish the service particulars of the official in original and also intimate whether any department inquiry is pending against the official or otherwise;

Whereas, in response, the Director, School Education Kashmir vide his letter No. DSEK/NT/Vol-Retire/46/260-2017/Bla/1639 dated 25.11.2019, has furnished the service particulars of the official and has intimated that no departmental inquiry is pending against the said official, and;

Whereas, vide this Department's letter bearing No. Edu-I/1004/2017 dated 05.02.2020, Directorate of School Education Kashmir was requested to furnish the following documents/information:

1. Whether the conditions laid down in title verification issued by Accountant General, J&K Srinagar have been fulfilled.
2. Intimate whether the official is still continuing his duties after opting for retirement.
3. Reason for seeking voluntary retirement.

Whereas, in response, the Director, School Education Kashmir vide letter No. DSEK/NT/Vol-retire/46/260-2017/Bla/169-70 dated 18.02.2023 furnished the following information:

1. The official has fulfilled all the conditions laid down in Account General, J&K, Srinagar's titled verification letter No. PNR-3/S-1/16-17/573 dated 23.03.2017.
2. The official did not attend his duties w.e.f. 01.01.2018.
3. The official has sought voluntary retirement on domestic problems. And

Whereas, the Director, School Education, Kashmir vide his letter No. DSEK/Estt-III/B-Trs/3299 Dated 04.10.2023 had informed that Mr. Mohammad Shafi Bhat, Senior Assistant, filed O.A in the Hon'ble CAT, and Hon'ble CAT has disposed off the said O.A on 18.11.2022, the operative part of which is reproduced as under:

"In view of the limited prayed made by the learned counsel for the applicant, respondents are directed to consider the claim of the applicant for retirement benefits along with other consequential benefits to which he is entitled to after superannuation under rules within two months from today by passing a reasoned and speaking order."

Further, it mentioned that the applicant attained the retirement age on superannuation on 31.03.2022. However, he could neither avail the benefits on VRS as the case is still in the process nor on superannuation due to the fact that he has not performed his duties from the elected date of voluntary retirement viz 01.01.2018.

Whereas, the Director, School Education Kashmir had requested to accord necessary post-facto sanction for Voluntary Retirement in favour of the above said official w.e.f. 01.01.2018 in terms of Article 230 of J&K CSR Vol-I of 1956, and;

Whereas, Director, School Education Kashmir vide letter No. DSEK/Legal/NT/72/19/290 dated 06.03.2024, requested to decide the matter by way of issuing a speaking order in compliance with the directions of the Hon'ble Tribunal regarding the matter forthwith,

Now, therefore, in terms of Article 230 of J&K CSR Vol-I read with SRO 217 dated 22.05.2017, post facto sanction is hereby accorded to the voluntary retirement in favour of Mr. Mohammad Shafi Bhat, the then Senior Assistant CEO Baramulla w.e.f. 01.01.2018, subject to the conditions that:

1. Quasi-permanency status is issued in favour of the Ex-official.
2. Service with respect to the pay acquaintance roll w.e.f. 01.07.2016 to 01.01.2018 is verified.
3. Vigilance clearance from ACB via GAD is obtained.
4. Amount drawn on account of increments of small family norms till date of stoppage of increments is recovered.
5. Rules governing voluntary retirement are strictly adhered to.
6. The name of the official shall be treated as deleted w.e.f. 01.01.2018 in the seniority list of Senior Assistants.

By order of the Government of Jammu and Kashmir.

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

No. Edu-NGK/64/2024-01(7427965)
Copy to the: -

Dated: 12.03.2024

1. Joint Secretary J&K, Ministry of Home Affairs, GoI.
2. Principal Accountant General (A&E), J&K, Srinagar.
3. Director School Education, Kashmir.
4. Director Finance, School Education Department.
5. Chief Education Officer, Baramulla.
6. Pvt. Secretary to Advisor (B) to the Hon'ble Lieutenant Governor.
7. Pvt. Secretary to Administrative Secretary, School Education Department.
8. Concerned.
9. I/c Website.
10. Government Order file.

(Thannaji Bhat)
Under secretary to the Government.

12.03.2024