



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

Subject: OA No.1187/2023 titled Ravinder Singh V/S UT of J&K & Ors.

Government Order No. 21 -JK (Edu) of 2024

Dated: 05 -01-2024

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 Ravinder Singh was received by the Department through Online Transfer Portal;

Whereas, the representations of Ravinder Singh 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, Ravinder Singh, Lecturer, Commerce, working at HSS Khana Chargal, Jammu was transferred and posted at HSS Khaned, Udhampur vide G.O No. 279-JK(Edu) of 2023 dated 01.09.2023;

Whereas, Ravinder Singh, pursuant to his transfer, has filed OA No.1187/2023 titled Ravinder Singh V/S UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i. Allow the instant Original Application;
- ii. Quash impugned Transfer order bearing Govt. order No.279-JK(Edu) of 2023 dated 01.09.2023 to the extent the same transfers the applicant from HSS khana Chargal, Bajalta Jammu to HSS Khaned Udhampur which is in District Udhampur and is a Zone-IV posting, at a distance of the applicant;
- iii. Quash order bearing No.HSSKC/2023-24/168 dated 05.09.2023 by virtue of which the applicant herein has been relieved from his present place of posting to HSS Khaned Udhampur
- iv. Direct the respondent no.3 to allow the applicant to discharge his duties at his present place of posting i.e. HSS Khana Chargal, Bajalta Jammu;

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:

"..... Keeping in view the aforestated limited prayer made by learned counsel for the applicant, I deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case, with the observation that if the applicant submits a comprehensive representation within a period of one week from today, the same shall be considered by the Principal Secretary to Government, Department of School Education, Union Territory of Jammu & Kashmir and a decision shall be taken on the same within a period of ten days, thereafter, while keeping in view the observations made by the Hon'ble High Court in Tahira's case (supra). Before taking such a decision, the applicant shall also be afforded an opportunity of hearing.

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 be permitted to work at Government Higher Secondary School, Khana Chargal, Bajalta, Jammu. "

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, vide letter dated 05.10.2023, the applicant was requested to appear in the Administrative Department for hearing on 09.10.2023. 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 is going to attain the superannuation in March, 2024 and only 7 months of service are left and new place of posting is the remotest part of District Udhampur and more than 200 kms from his residence at Jammu city which is very difficult for him as he is going to retire in next 5 months. The applicant further, stated that he has already served in Zone V Mahore, Reasi for 2 years and in Udhampur in 2016 and already facing hardships suffering from various ailments and he has to look after his old aged mother being the only son. The applicant has requested that he may be posted suitably nearby his residence at Jammu city;

Whereas, the case of the applicant was thoroughly examined in the Department 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 retiring on 30 April 2024 and has left only four months in his superannuation, so his request seems genuine and can be considered;

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 Bench, Jammu on 11.09.2023 passed in OA No.1187/2023 titled Ravinder Singh V/S UT of J&K & Ors and the applicant is hereby retained at HSS Khana Chargal, Bajalta Jammu.

By order of the Government of Jammu and Kashmir.

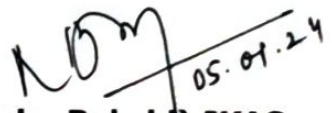
Sd/-
(Alok Kumar), IRS
Principal Secretary to the Government

No: Edu-LGL0Jmu(CAT)/391/2023-01

Dated:- 05.01.2024

Copy to the:-

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


(Neha Bakshi) JKAS
Under Secretary to the Government
School Education Department