



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

Subject: OA.No.1145/2023 titled Shabir Ahmed Butt V/s UT of J&K & Ors.

Government Order No. 26 -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 Shabir Ahmed Butt was received by the Department through Online Transfer Portal;

Whereas, the representation of Shabir Ahmed Butt was considered under the provisions of the Transfer Policy issued by the Department vide Government Order No. 103-JK(Edu) of 2023 dated 24.0.2023 and subsequently, the applicant, Shabir Ahmed Butt lecturer Urdu working at GHSS Binoon, Kishtwar (Zone-4) was transferred and posted at HSS Sarthal, Kishtwar (Zone-3) vide G.O No. 286-Jk(Edu) of 2023 dated 01.09.2023.;

Whereas, Shabir Ahmed Butt pursuant to his transfer filed OA.No.1145/2023 titled Shabir Ahmed Butt V/s UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:-

- I. Quashing impugned Government transfer Order no.286-JK (Edu) of 2023 dated 01.09.2023 issued under endorsement No.Edu-Lect./72/2023-01 dated 01.09.2023 to the extent of transfer of applicant from HSS Binoon Kishtwar to HSS Sarthal Kishtwar, whereby and where under the applicant who has been working as a lecturer in urdu stream in HSS Binoon Kishtwar Zone-IV which is hard zone and has been transferred to HSS Sarthal Kishtwar, Zone-III which is at a distance of more than 70 Kms away from his present of posting in violation of Transfer Policy notified vide Govt. Order No.103-JK (Edu) of 2023 dated 24.04.2023 and instructions notified vide notification No.1 JK(Edu) of 2023 dated 26.04.2023 and also in violation of schedule 1-D of CSR.

- II. Direct the respondents to allow the applicant to continue at his present place of posting i.e, HSS Binoon Kishtwar till the disposal of the O.A.
- III. Direct the respondent No.2 to explain how the applicant has been transferred in violation of transfer policy notified in terms of Govt. order No.948-JK (GAD) of 2020 dated 15.10.2020 and transfer policy dated 24.04.2023 and without obtaining the approval of Chief Secretary and the instruction conveyed by the Chief Secretary and order or direction directing upon the Chief Secretary U.T. of J&K to conduct a full dressed inquiry against the respondent No.2 who has defied the instructions issued in terms of meeting note dated 10.03.2023 with impunity.

Whereas, the Hon'ble CAT after hearing the applicant, disposed of the OA by passing order dated 08.09.2023, 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 02.09.2023 and pass a reasoned and speaking order while keeping in view the provisions of the policy guidelines dated 26.04.2023. 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 four weeks 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, Binoon (Kishtwar). Ordered accordingly. However, there shall be no orders so as to costs."

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, vide letter dated 22.09.2023, the applicant was requested to appear in the Administrative Department for hearing on 25.09.2023. 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 Binoon, Kishtwar (Zone-4) to HSS Sarthal, Kishtwar (Zone-3) vide G.O No. 286-Jk(Edu) of 2023 dated 01.09.2023. The applicant has submitted his willingness to continue in the same school which falls under zone IV. That the applicant has further stated that he is the only Sr. Lecturer in the said school and working as I/C Principal and head of the institution and there are already 7 vacant posts of lecturers in the said

school. The applicant has stated that the school could slip in under performance in absence of staff which would prove detrimental for the poor students of different villages. Furthermore, the applicant has got many awards and appreciation letters in which the most important appreciation letter he has got is from Prime Minister on the work of "Pariksha Pey Charcha". The applicant has requested that he may be retained at HSS Binoon, Kishtwar;

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 08.09.2023, passed in OA.No.1145/2023 titled Shabir Ahmed Butt V/s UT of J&K & Ors and his request for retention at GHSS Binoon, Kishtwar (Zone-4) is accepted and therefore the applicant has been retained at GHSS Binoon, Kishtwar (Zone-4).

By order of the Government of Jammu and Kashmir.


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

No: Edu-LGL0Jmu(CAT)/370/2023-01

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, Doda.
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).


(Abhishake Abrol) JKAS
Deputy Secretary to the Government
School Education Department.