



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

Subject:- O.A No. 21/2023 titled Nazir Hussain Shah V/s UT of J&K.

Government Order No. 263 - JK (Edu) of 2024

Dated: 15.07.2024

WHEREAS, O.A No. 21/2023 titled Nazir Hussain Shah Vs UT of J&K was filed before the Hon'ble Central Administrative Tribunal at Srinagar and the same stands disposed vide order dated **11.01.2023**. The relevant operative part of the said order is reproduced as hereunder:

"In view of the limited prayer made by the learned counsel for the applicant, the respondents are directed to consider the claim of the applicant by treating the present OA as a representation and dispose of the same as per rules, within three weeks from today by passing a reasoned and speaking order and communicate the same to the applicant.

In the meantime if the applicant is not yet relieved, he may be allowed to continue in the same place of posting till final consideration of the present OA as a representation.

Now, in compliance with the above directions of the Hon'ble Central Administrative Tribunal, the consideration order is passed herein as under.

BACKGROUND - BRIEF HISTORY OF THE CASE:-

AND WHEREAS, Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science, Girls Higher Secondary School, Sogam, Kupwara was deployed to the office of Chairman, Fee Fixation and Regulation Committee, J&K (henceforth, "FFRC") vide **order No. DSEK/Gaz/Estt-I/510 dated 27.10.2015**. In view of his overstay (**7 Years and 3 Months**) in the permissible period of deputation to the J&K FFRC and in the interest of administration, Sh. Nazir Hussain Shah was transferred and posted to Boys Higher Secondary School, Sogam, Kupwara vide **Government Order No. 11-JK(Edu) of 2023 dated 09.01.2023**;

AND WHEREAS, Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science, aggrieved by his transfer, approached the Hon'ble Central Administrative Tribunal, Srinagar through O.A No. 21/2023 titled Nazir Hussain Shah Vs UT of J&K and others praying, therein, to allow him to continue as Administrative Officer

in FFRC. The said petition was disposed of by the Hon'ble Hon'ble Central Administrative Tribunal vide its order dated 11.01.2023 as reproduced herein above at para *supra*; and,

AND WHEREAS, in terms of the order dated 11.01.2023, the claim of Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science was to be considered within a period of three weeks from the date of passing of order by the Hon'ble Central Administrative Tribunal. However, in view of the appointment of new Chairperson, J&K FFRC and on his insistence and express request and for the sake of continuity, Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science was allowed to continue in FFRC for the time being till the new Chairperson acquaints himself with the day to day functioning of FFRC;

AND WHEREAS, now after the elapse of more than one and a half year from the date of passing of order *ibid* by the Hon'ble Central Administrative Tribunal, it has become imperative to pass the instant consideration order in compliance to the directions of Hon'ble Central Administrative Tribunal;

AND WHEREAS, the consideration order is accordingly passed herein as under:-

AND WHEREAS, the deputation of the Government Servant is governed and regulated by the J&K Civil Service Regulations, 1956 under **Rules 52-C** which provides as under:-

52-C. " All deputation cases involving deputation of Government servants to non-Government Organisations, including Corporations, Companies, Autonomous Bodies etc. within or outside, the State or to Central Government or other State Governments shall be decided by the concerned Administrative Department on the standard terms and conditions of deputation contained in Schedule XVIII. Any relaxation of the said terms will require prior consultation of the General Department and the Finance Department.

In addition to the standard terms the following conditions shall be observed by the competent authorities in regulating cases of deputation:

(i) The period of deputation in any case should not exceed three years. It may, however, be extended further by one year on the request of the borrowing agency but in any case the total period of deputation shall not exceed a period of 4 years at a time."

AND WHEREAS, Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science has been on deployment/ deputation to FFRC from 27.10.2015 which is approximately around **8 Years 8 Months and 15 Days** and, therefore, Sh. Nazir ul Hussain Shah has exceeded the maximum tenure/ limit of deputation;



AND WHEREAS, further continuation of Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science in FFRC will be in gross violation of the J&K CSR as well as the order dated 11.01.2023 of the Hon'ble Central Administrative Tribunal and, therefore, there is no justification to let him continue any longer in FFRC.

NOW, THEREFORE, in view of the above stated facts and circumstances, the representation of Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science has been considered in the light of the directions passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench, Srinagar on 11.01.2023 passed in O.A. No. 21/ 2023 titled Nazir Hussain Shah V/s UT of J&K and the same has been found devoid of merit, hence rejected. Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science shall be deemed to have been relieved with immediate effect from the date of issuance of this order and he shall join his place of posting, i.e., Boys Higher Secondary School, Sogam, Kupwara forthwith.

By order of the Government of Jammu and Kashmir.

Sd/-

(Alok Kumar), IRS

Principal Secretary to the Government
School Education Department.

No: Edu-Gen/2/2023-08

Dated:- 15.07.2024

Copy to the:-

1. Joint Secretary (JKL), Ministry of Home Affairs, Government of India.
2. Director Finance, School Education Department.
3. Director, School Education, Jammu/Kashmir.
4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
5. Ld. Government Advocate, Hon'ble Central Administrative Tribunal.
6. Concerned, Sh. Nazir ul Hussain Shah, Lecturer, Environmental Science for information and compliance.
7. Private Secretary to Principal Secretary to Government, School Education Department.
8. Private Secretary to Chairman, Fee Fixation and Regulation Committee, J&K.
9. I/c website.
10. Government Order file (w.2.s.c).

(Ghulam Nabi Bhat), JKAS
Additional Secretary to the Government
School Education Department

15.07.2023.