



**GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/KASHMIR

Subject: - CP No. 246/2023 in OA No 61/1106/2023 titled Meenu Bhotyal v/s Alok Kumar & Ors.

Government Order No: - 279 - JK (Edu) of 2024

D a t e d: - 25 - 07 - 2024

Whereas, the applicant Meenu Bhotyal has filed Original Application before the Hon'ble Central Administrative Tribunal at Jammu wherein prayed as under:-

- (i) Allow this OA of the applicant.
- (ii) Commanding the respondents to consider the case of the petitioner for inter District transfer (from District Doda to District Jammu) on the basis of the Transfer policy notified vide Government Order No. 103-JK(Edu) of 2023 dated 24.04.2023 and other applicable rules.

Whereas, the Hon'ble Central Administrative Tribunal vide its order dated:- 30-08-2023, has disposed of Original Application with the following direction:-

".....Accordingly, the Original Application is disposed of with a direction to the Secretary to Government, Department of School Education, Union Territory of Jammu & Kashmir (Respondent No. 1 herein) to decide the applicant's pending representation dated 25.07.2023 while keeping in view the provisions of Clause-23 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 three weeks from the date of receipt of a certified copy of this order."

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal Jammu, the case of the applicant was examined in the Department and found that the online application form filled by the applicant for ATD 2023. The applicant has applied for inter-district transfer on extreme health grounds. Further she has submitted an offline representation dated 25.07.2023 to Director School Education Jammu requesting for her transfer from District Doda to District Jammu on Marriage grounds.

Whereas, the applicant in her representation submitted that she is suffering from severe health issues and accordingly requested to transfer her from district Doda to district Jammu on other applicable rules so that she could look after her family, besides performing her duties as well.

Whereas, the School Education Department issued the transfer policy vide Government Order No. 103-JK (Edu) of 2023, Sr. No. 02. has made the following provisions:

"All transfers shall be made through online mode via Online transfer Portal for which the department shall issue Notification every year at the end of the Academic session and such process shall be completed before the commencement of new Academic Session. However, on administrative Exigences offline transfer can also be effected with the approval of the competent authority."

Rule-21: For transfer under Health Grounds provides that:-

The inter-cadre and mid term transfer requests on extreme Medical conditions (self, spouse or dependent children) and Security grounds shall be made for a period of two years by the Administrative Department on the recommendations of the Designated Committee constituted for the purpose, subject to the production of following documents:

1. Medical Disease covered: Life consuming disease and for that Medical Certificate from the Standing Medical board is required.

Whereas, the applicant has submitted a certificate issued by Standing Medical Board, Govt. Medical College & Associate Hospitals, Jammu, vide dated 10.05.2019 wherein, it has been certified that the patient "Smt. Meenu Bhotyal, Teacher, is suffering from Low Back Ache, and advised to forward bending, lifting of heavy weight and frequent traveling." The said medical issue is not covered under transfer policy 23.

Rule - 23: For transfer under marriage grounds:-

In case of marriage, inter-cadre transfer of lady employee shall be considered by the Administrative Department on the recommendations of the Designated Committee constituted for the purpose, provided she has served five years in her parent cadre (District/Divisional). However, this would be subject to availability of vacancies, department's requirement, seniority of the official and on production of following documents:-

S.No.	Ground	Document required
1	Marriage	1. Domicile of both husband and wife 2. Marriage certificate

Whereas, the claim of the applicant cannot be considered on marriage ground because she has submitted the representation offline without the documents required

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as per the provision of transfer policy. Moreover, she cannot claim transfer as a matter of right. Such transfer is to be considered only as per the merit of case viz-a-viz other similarly situated cases through online mode in order to bring uniformity with other such cases.

Now therefore, keeping in view, the facts and circumstance of the case and in compliance to the directions of the Hon'ble Central Administrative Tribunal order dated 30.08.2023 passed in OA No. 218/2022 titled 61/1106/2023 titled Meenu Bhotyal Vs UT of J&K and others, the claim of the applicant has been considered in the Department and being not tenable under rules is hereby rejected.

By order of the Government of Jammu & Kashmir.

Sd/-


Alok Kumar, (IRS)
Principal Secretary to the Government,
School Education Department.

No:- Edu-LGL0Jmu(CAT)/545/2023-01

Dated:- 25.07.2024

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD with Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to Principal Secretary to Government, School Education Department for information.
5. Concerned Ld. AAG, Hon'ble Central Administrative Tribunal at Jammu for information.
6. Meenu Bhotyal (Applicant) for information.
7. I/C Website for uploading the same on official website.
8. Government Order File/ Concerned File (w.2.s.c).


(Thannaji Bhat),
Under Secretary to the Government,
School Education Department.