



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

Subject: OA No.1158/2023 titled Harminder Singh Vs UT of J&K & Ors.

Government Order No. 28 -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 Harminder Singh was received by the Department through Online Transfer Portal;

Whereas, the representation of Harminder Singh was considered under the provisions of the Transfer Policy issued by the Department vide Government Order No. 103-JK(Edu) of 2023 dated 24.0.2023 and subsequently, the applicant, Harminder Singh Sr. lecturer Urdu working at GGHSS Gowari Doda- Zone 5 was transferred and posted at HSS Goha, Doda (Zone-3) vide G.O No. 286-JK(Edu) of 2023 dated 01.09.2023.;

Whereas, Harminder Singh pursuant to his transfer filed OA No.1158/2023 titled Harminder Singh Vs UT of J&K & Ors. before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:-

- I. Quashing impugned transfer Order no.286-JK (Edu) of 2023 dated 01.09.2023 issued under endorsement No.Edu-Lect./84/2023-01 dated 01.09.2023 to the extent of transfer of applicant from Govt Girls Higher secondary School (GGHSS), Gowari, Doda to HSS Goha Doda, whereby and where under the applicant who has been working as a Senior lecturer in Urdu stream in Govt Girls Higher secondary School (GGHSS), Gowari, Doda Zone-V which is a very hard zone and has been transferred to HSS Goha Doda, Zone-III which is at a distance of more than 90 Kms away from his present place 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.

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- II. Direct the respondents to allow the applicant to continue at his present place of posting i.e, Govt Girls Higher secondary School (GGHSS), Gowari, Doda 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 pending representation dated 02.09.2023 and pass a reasoned and speaking order while keeping in view the provisions of Clause-(ii) of transfer policy 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 ten days 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, he shall be permitted to work at Government Girls Higher secondary School, Gowari, (Doda).

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 GGHSS Gowari Doda- Zone 5 and posted at HSS Goha, Doda. Zone-3 which is not according to his choice as filled in ATD-2023. The applicant has stated that he is serving in 4th and 5th Zone of Bhaleesa since 15 years. The applicant has requested that he may kindly be retained at HSS Gowari Doda or transfer him in 5th zone of Distt. Doda;

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.1158/2023 titled Harminder Singh Vs UT of J&K & Ors and his request for retention at GGHSS Gowari Doda- Zone 5 is accepted and therefore the applicant has been retained at GGHSS Gowari Doda-(Zone V).

By order of the Government of Jammu and Kashmir.


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

No: Edu-LGL0Jmu(CAT)/340/2023-04

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.