



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

Subject: OA No.1186/2023 titled Surjeet Singh V/S UT of J&K & Ors.

Government Order No. 31 -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 Surjeet Singh was received by the Department through Online Transfer Portal;

Whereas, the representations of Surjeet 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, Surjeet Singh, Senior Lecturer Physics working at HSS Batal Ballian, Udhampur was transferred and posted at HSS Thuroo, Reasi vide G.O No. 276-Jk(Edu) of 2023 dated 31.08.2023 ;

Whereas, Surjeet Singh, pursuant to his transfer, has filed OA No.1186/2023 titled Surjeet 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 276-JK(Edu)of 2023 dated 31.08.2023 to the extent the same transfres the applicant from HSS Batal Ballian, Udhampur to HSS Thuroo which is in District Reasi and is a Zone IV posting and at a distance of more than 150 kilometer from the residence of the applicant.
- iii. Direct the respondents to transfer the applicant anywhere in zone I and III in District Udhampur or in Zone-I & II in District Jammu as per the preference submitted by the applicant herein and keeping in view the fact that the applicant had already served in Zone -IV for more than 11 years.
- iv. Direct the respondents no. 3 to allow the applicant to discharge his duties at his present place of posting i.e HSS Batal Ballian;
- v. Restrain the respondents from implementing the aforesaid impugned transfer order and relieving the applicant from his present place of posting i.e HSS Batal Ballian;

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:

"...Accordingly, the Original Application is disposed of at the admissions 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, keeping in view the notification dated 26.04.2023.

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, Battal Ballian, Udhampur.

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, vide letter dated 03.10.2023, 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 was transferred from HSS Battal Ballian, Udhampur to HSS Thuroo, Reasi which is a distance of about 150 km from his residence which is in Zone-IV category out of my home district. The applicant has already served for 8 and half years in HSS Binoon, Kishtwar and in HSS Mounгри for 3 years, and HSS Battal Ballian for 3 years and 10 months and during the service of 15 years of his service he has served 11 and half years of his service in Zone IV. Further the applicant has stated that there is no body at his home to look after his small children and his mother who is a widow and is 85 years old and suffering from multiple health problems and need regular checkups and it is almost impossible for him to look after his small children and his mother having being transferred to that so far place. The applicant has requested that his order may be modified and adjust him in Zone I of Udhampur, DIET Kud, Udhampur and HSS Katra, Reasi;

Whereas, the case of the applicant was thoroughly examined in the Department and in light of the directions of the Hon'ble Central Administrative Tribunal and it has been found that the applicant has applied under Regular Transfer Criteria. Further, in terms of clause-21 of transfer policy-2023 the medical disease covered are Life consuming disease of self, spouse and

dependent children. The applicant has also opted preference of posting viz Zone-I and Zone-III, of Udhampur District and Zone 1 and Zone 2 Jammu.;

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 11.09.2023 passed in OA No.1186/2023 titled Surjeet Singh V/S UT of J&K & Ors and the applicant is hereby transferred and posted at GHSS Rang, Udhampur. The applicant is further directed to immediately join at new place of posting without any further delay, failing which strict disciplinary action shall be initiated against him under rules.

By order of the Government of Jammu and Kashmir.

Sd/-

(Alok Kumar), IRS

Principal Secretary to the Government

No: Edu-LGL0Jmu(CAT)/390/2023-01

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, Udhampur.
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