



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

Subject: OA No. 1226/2023 titled Rakesh Miyan Vs UT of J&K & ors.

Government Order No. 32 -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 including the Lecturer Cadre for consideration of transfer during the year 2023 and in response, representation of Rakesh Miyan was received by the Department through Online Transfer Portal;

Whereas, the representation of Rakesh Miyan 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, Rakesh Miyan, Lecturer Physics working at HSS Baggan, Kathua (Zone 5) was transferred and posted at HSS Ghat, Doda (Zone 2) vide G.O No. 276-JK(Edu) of 2023 dated 31.08.2023;

Whereas, Rakesh Miyan, pursuant to his transfer, has filed OA No. 1226/2023 titled Rakesh Miyan Vs UT of J&K & ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i. To quash and set aside the Govt. Order No.276-JK-(Edu) of 2023 dated 31.08.2023 to the extents to the transfer of the application from his present place of posting i.e. GHSS Beggan Tehsil Malhar District Kathua to HSS Ghat Doda and order dated, in the interest of justice.
- ii. To quash and set aside the is also challenging the relieving order dated 01.09.2023 passed by the respondent no.4, in the interest of justice.
- iii. To command and direct the respondents to allow the applicant to continue to discharge his duties as lecturer Physics at his present place of posting i.e. GHSS Beggan Tehsil Malhar District Kathua, in the interest of justice.

[Handwritten signature]

Whereas, the Hon'ble CAT after hearing the applicant disposed of the OA by passing order dated 14.09.2023, the operative part of which is reproduced as under:

".....Accordingly, the Original Application is disposed of with observation that if the applicant submits a comprehensive representation within a week from today, thereafter, the same shall be considered by the Principal Secretary to Government, Department of School Education, Union Territory of Jammu & Kashmir and a reasoned and speaking order shall be passed on the same while keeping in view the provision of Clauses A(6) & A(7) of the Transfer Policy dated 24.04.2023 within ten day's.

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, Baggan, District Kathua. 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 03.10.2023 the applicant was requested to appear in the Administrative Department on 09.10.2023 at 03:00 PM. The applicant does not appear for hearing in the Department on 09.10.2023 i.e on scheduled date and time. Further vide another letter dated 12.10.2023, the applicant was again given one more opportunity to appear in Administrative Department for final hearing on 16.10.2023 at 03:00 PM. The applicant appeared in the Department on re-vised date and time i.e 16.10.2023 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 Ramkote to HSS Baggan as Lecturer Physics stream and the applicant was discharging his duties at present place of posting but was again transferred to HSS Gurmāl, Doda vide order dated 25.01.2023. Aggrieved of his transfer, the applicant filed Original application bearing No. 106/2023 titled Rakesh Miyan v/s UT of J&K & Ors and vide Hon'ble court order dated 2.2.2023 stayed the order dated 25.01.2023 qua the applicant and permitted him to work at Govt. Higher Secondary School Baggan Tehsil Malhar, Kathua. The applicant has been again transferred from HSS Baggan Kathua to HSS Ghat Doda vide G.O No. 276-JK(Edu) of 2023 dated 31.08.2023. The applicant further stated that most of his posting remained in Zone-V i.e Kargil, Ramkote and now Baggan. The applicant has further requested that he may be adjusted in Zone-IV or Zone V in Kathua District;

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 14.09.2023 passed in OA No. 1226/2023 titled Rakesh Miyan Vs UT of J&K & ors, the applicant is hereby transferred and posted at HSS Kohag Kathua (Zone-V). 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

Dated: 05.01.2024

No: Edu-LGL0Jmu(CAT)/319/2023-04

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, Kathua.
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.