



GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/SRINAGAR
(Legal Section)

Subject: O.A No. 61/69/2024 titled Abdul Rashid Mir Vs UT of J&K & Ors.

Government Order No. **322- JK (Edu) of 2024**

Dated: **13 - 08 - 2024**

Whereas, the applicant, Abdul Rashid Mir, Lecturer Zoology working at HSS Chirala, Doda was transferred and posted at HSS Nandna, Doda vide Government Order No. 287-Jk(Edu) of 2023 dated 01.09.2023. Being aggrieved with his transfer, the applicant has filed Original Application No. 1176/2023 before the Hon'ble Central Administrative Tribunal, Jammu. Vide Government Order No. 55-JK(Edu) of 2024 dated: 06.01.2024, the case of the applicant was considered and same was found not tenable under rules and was rejected with the further direction to join at HSS Nandna, Doda (Zone-IV) without any further delay;

Whereas, the applicant again challenged the Government Order No. 55-Jk(Edu) of 2024 dated 06.01.2024 and filed OA No. 69/2024 titled Abdul Rashid Mi V/s UT of JK and others before the Hon'ble Central Administrative Tribunal , Jammu praying for following reliefs:-

- I. Quashing impugned Govt. Order No. 55-Jk (Edu) of 2024 dated 06.01.2024 issued by respondent No. 1 to the extent of posting of applicant from HSS Chirala Doda Zone III to HSS Nandna Doda, whereby and where under the applicant who has been working as a Lecturer in Zoology stream in HSS Chirala Doda Zone -III which is hard zone and has been transferred to HSS Nandna Doda Zone IV which is at a distance of more than 120 kms away from his present place of posting being contrary to the principle laid down by Hon'ble Supreme Court in Barium Chemical Ltd. & Anr. V/S A.G Rana & Ors. 1972 (1) SCC 240 and Chairman LIC of India & Ors vs A Masilamani 2013 (6) SCC 5430 and also 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.
- II. Direct the respondents to allow the applicant to continue at his

present place of posting i.e, HSS Chirala Doda where the applicant is working against the vacant post and nobody has been posted against the said post.

- III. To reconsider the order impugned dated 06.01.2024 by taking into consideration the merit and the relevant factors mentioned in the representation and on the same analogy as has been done vide Govt. Order No. 26-JK(Edu) of 2024 dated 05.01.2024 in case of similarly situated candidates namely Shabir Ahmed Butt.
- IV. Any other order which this Hon'ble Tribunal may deem fit and proper may also be passed in favour of the applicant and against the respondents.

Whereas, the Hon'ble Central Administrative Tribunal vide order dated 30.01.2024 has disposed of the OA, the operative part of which is reproduced as under:

"...Accordingly, the Original Application is disposed of with a direction to respondents to treat this O.A. as representation of the applicant and consider the same in light of provision of transfer policy.

Respondents are further directed to communicate the order so passed to the applicant. The whole exercise shall be completed within a period of four weeks from the date of receipt of a certified copy of this order. With these directions, O.A. No. 69 of 2024 is disposed of.

It is made clear that I have not entered into the merits of the case.

However, there shall be no orders so as to costs.

Till then, applicant shall be permitted to work at Govt. Higher Secondary School, Chirala, Doda."

Whereas, the case of the applicant was examined afresh and it has been found that the case of the applicant was rejected after examining the issue in detail and no new grounds emerged which warrants re-consideration of the issue. Besides, the post of lecturer is a UT cadre post and applicant can be posted anywhere in the UT of J&K. He is posted in his home district and his request for modification seems unjust.

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 30.01.2024 passed in O.A No. 61/69/2024 titled Abdul Rashid Mir Vs UT of J&K &Ors and the same has been found not tenable under rules and is hereby rejected. The applicant is further directed to immediately join at HSS Nandna, Doda (Zone- IV) 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.

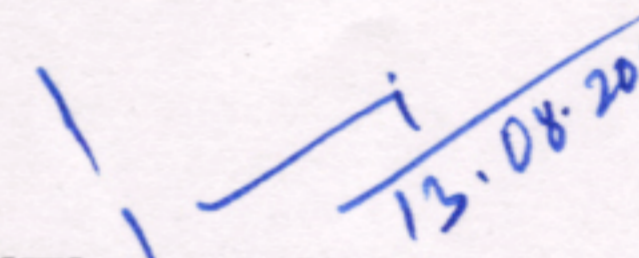
Sd/-
Alok Kumar, (IRS)
Principal Secretary to the Government,
School Education Department.

No: Edu-LGL0Jmu(CAT)/349/2023-04

Dated:- 13 .08.2024

Copy to the:-

1. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
2. Director, School Education, Jammu.
3. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
4. Chief Education Officer Doda.
5. Concerned.
6. I/c website.
7. Private Secretary to Secretary to Government, School Education Deptt.
8. Government Order file (w.2.s.c).


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