



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

Subject: OA.No.1146/2023 titled Asmat Rani V/s UT of J&K & Ors.

Government Order No. 133 -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 Asmat Rani was received by the Department through Online Transfer Portal;

**Whereas**, the representation of Asmat Rani 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, Ms. Asmat Rani, Lecturer Hindi working at HSS Fatehpur, Rajouri was transferred and posted at HSS Girls Doongi, Rajouri vide G.O No. 268-JK(Edu) of 2023 dated 31.08.2023;

**Whereas**, Asmat Rani, pursuant to his transfer, has filed OA.No.1146/2023 titled Asmat Rani V/s UT of J&K & Ors before the jurisdictional Tribunal of Hon'ble Central Administrative Tribunal at Jammu praying for following reliefs:

- i. Quash and set aside Order impugned bearing No. 268-JK(Edu) of 2023 dated 31.08.2023 to extent it pertains to his transfer from Higher Secondary School, Fatehpur, Rajouri to Higher Secondary School (G), Doongi, Rajouri.
- ii. Direct the respondents to allow the applicant to continuously serve in Higher Secondary School, Fatehpur, Rajouri.

**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 01.09.2023 and pass a reasoned and speaking order while keeping in view 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 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, the applicant shall not be displaced from Government Higher Secondary School Fatehpur, Rajouri. "

**Whereas**, in compliance to the directions of the Hon'ble Central Administrative Tribunal, vide letter dated 05.10.2023, the applicant was requested to appear in the Administrative Department for hearing on 09.10.2023. The applicant appeared on 11.10.2023 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 she was transferred from HSS Fatehpur, Rajouri (Zone II) and posted at HSS Girls Doongji, Rajouri (Zone III). The applicant has further stated that her husband is a patient of depression disorder, DM ischemic stroke and he needs attendant all the time with him. She was transferred but nobody is posted in her place. The applicant has requested that her order may kindly be modified and retain at her present place of posting;

**Whereas**, the case of the applicant was thoroughly examined in the Department in light of the written submission adduced by the applicant as well as the standing rule position and the directions of the Hon'ble Central Administrative Tribunal and it has been found that the applicant has applied under Regular Transfer criteria with no medical record/certificate of her spouse. However, the applicant at the time of hearing has submitted a certificate of medical board of her husband who is suffering from depression disorder, DM ischemic stroke and he needs attendant all the time with him and need constant care.. The Department reserves the right to post/adjust the employees beyond the choice opted by him/her for administrative reasons. The applicant's request for retention at the same school is not justified owing to the fact that the applicant is having a tenure of more than 10 years in the same school. The post of lecturer is a UT cadre post and can be posted anywhere in the UT of J&K. However keeping in view the critical condition of her husband her case for modification can be considered;

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 Bench, Jammu on 08.09.2023 passed in OA.No.1146/2023 titled Asmat Rani V/s UT of J&K & Ors and the applicant is hereby transferred and posted at DIET Rajouri. 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)/371/2023-01

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, Rajouri.
8. Concerned.
9. Principal Concerned for necessary compliance in the matter.
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