



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

Subject: OA No.1183/2023 titled Tilak Raj V/S UT of J&K & Ors..

Government Order No. 34 -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 Tilak Raj was received by the Department through Online Transfer Portal;

Whereas, the representations of Tilak Raj 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, Tilak Raj, Sr. Lecturer, Urdu, working at HSS Jourian, Jammu was transferred and posted at HSS Alah, Jammu vide G.O No. 286-JK(Edu) of 2023 dated 01.09.2023.;

Whereas, Tilak Raj, pursuant to his transfer, has filed OA No.1183/2023 titled Tilak Raj V/S UT of J&K & Ors before the jurisdictional Tribunal of Hon'ble Central Administrative Tribunal at Jammu praying for following reliefs:

- i. To quash the Order no.286-JK(Edu) of 2023 dated 01.09.2023 to extent it has been transferred the applicant from HSS Jourian, Jammu to HSS Alah, Jammu being illegal and against the transfer of employees of School Education Department issued vide Notification No.01-JK-(Edu) of 2023 dated 26/04/2023 issued by the respondent no.4 and transfer policy issued vide Govt. Order No.103-JK(Edu) of 2023 dated 24.04.2023 by the respondent no.1.
- ii. II). To direct the respondents to retain the applicant at the present place of posting i.e. at HSS Jourian or any other similar school where provisions for posting Associate NCC Officer (ANO) to train NCC Cadets studying in the school is available in Zone-IV.

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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 with a direction to the Principal Secretary to Government, Department of School Education, Union Territory of Jammu & Kashmir to take a decision on the applicant's case for his retention at Government Higher Secondary School, Jourian and pass a reasoned and speaking order while keeping in view the provisions of the policy guidelines 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 four weeks 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, Jourian, Jammu. "

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 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 HSS Jourian, Jammu (Zone-4) and posted at HSS Alah (Zone-3). Further the applicant has stated that he was performing his duties as Associate NCC Officer and posted at HSS Alah Jammu which is a Non-NCC institution and in violation of Clause A(K) of notification dated 26.04.2023. The applicant has request that he may be retained at HSS Jourian as no substituted has been provided. The applicant has also stated that he is ready to serve in any wherein the UT of J&K as ANO.

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 claim of the applicant for posting at school having NCC 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 dated 11.09.2023

passed in OA.No.1183/2023 titled Tilak Raj V/s UT of J&K & Ors, and the applicant is hereby transferred and posted at HSS Uddan, 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.

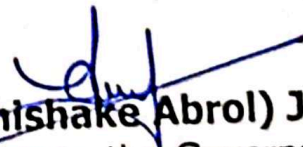
By order of the Government of Jammu and Kashmir.

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

No: Edu-LGL0Jmu(CAT)/388/2023-01
Copy to the:-

Dated:- 05.01.2024

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. Principal Concerned for necessary compliance in the matter.
9. Concerned.
10. Private Secretary to Principal Secretary to Government, School Education
11. I/c website.
12. Government Order file (w.2.s.c).


(Abhishake Abrol) JKAS
Deputy Secretary to the Government
School Education Department