



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

Subject: OA No.1151/2023 titled Madan Lal Vs UT of J&K & Ors.

Government Order No. 35 -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 Madan Lal was received by the Department through Online Transfer Portal;

*Whereas*, the representations of Madan Lal 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 Madan Lal, Lecturer Zoology working at HSS Palmar, Kishtwar (Zone III) to HSS Marwah, Kishtwar (Zone V) vide G.O No. 287-JK(Edu) of 2023 dated 01.09.2023;

*Whereas*, Madan Lal, pursuant to his transfer, has filed OA No.1151/2023 titled Madan Lal Vs UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i). Quashing impugned transfer Order no.287-JK (Edu) of 2023 dated 01.09.2023 issued under endorsement No.Edu-Lect./84/2023-01 dated 01.09.2023 to the extent of transfer of applicant from HSS Palmar Kishtwar to HSS Marwah Kishtwar, whereby and where under the applicant who has been working as a lecturer in Zoology stream in HSS Palmar Kishtwar Zone-III which is hard zone and has been transferred to HSS Marwah Kishtwar Zone-V 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 Palmar Kishtwar till the disposal of the O.A.
- iii). Direct the respondent No.2 to explain how the applicant has been transferred in violation of transfer policy notified in terms of Govt. order No.948-JK (GAD) of 2020 dated 15.10.2020 and transfer policy dated 24.04.2023 and without obtaining the approval of Chief Secretary and the instruction conveyed by the Chief Secretary and order or direction directing



upon the Chief Secretary U.T. of J&K to conduct a full dressed inquiry against the respondent No.2 who has defied the instructions issued in terms of meeting note dated 10.03.2023 with impunity.

**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 02.09.2023 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 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, he shall be permitted to work at Government Higher Secondary School, Palmar Kishtwar.**

**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 22.09.2023 the applicant was requested to appear in the Administrative Department on 25.09.2023. The applicant does not appeared for hearing in the Department on 25.09.2023 i.e on scheduled date and time. Vide another letter dated 05.10.2023, the applicant has again given one more opportunity to appear in Administrative Department for final hearing on 09.10.2023. The applicant appeared in the Department on re-scheduled date and time i.e 09.10.2023 and the applicant was heard in person and was allowed to submit his written statement as well;

**Whereas**, in his written statements, the applicant has stated that he has been transferred from HSS Palmar, Kishtwar (Zone III) to HSS Marwah, Kishtwar (Zone V). The applicant has opted his willingness to serve/ continue in the Zone-III,IV and V and there is vacant post in HSS Palmar and he is having stay of only 3 years one month. The applicant has also stated that he has served through out his service in Zone V and requested to continue in Palmar;

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 08.09.2023 passed in OA No.1151/2023 titled Madan Lal Vs UT of J&K & Ors

and his request for retention at HSS Palmar, Kishtwar (Zone III)) is accepted and therefore the applicant has been retained at HSS Palmar, Kishtwar (Zone III).

**By order of the Government of Jammu and Kashmir.**


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

No: Edu-LGL0Jmu(CAT)/341/2023-04

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 Kishtwar.
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 