



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

Subject: O.A.No.61/1235/2023 titled Zameer Ahmed v/s UT of J&K & Ors.

Government Order No. 36 -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 Zameer Ahmed was received by the Department through Online Transfer Portal;

Whereas, the representation of Zameer Ahmed 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, Mr. Zameer Ahmed, I/c Lecturer, Zoology working at HSS Chinta, Doda was transferred and posted at HSS Koti, Doda vide G.O No. 277-Jk(Edu) of 2023 dated 01.09.2023;

Whereas, Zameer Ahmed, pursuant to his transfer, has O.A.No.61/1235/2023 titled Zameer Ahmed v/s 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 Girls Higher secondary School, Chinta Zone IV, Doda to GHSS Koti Zone III whereby and where under the applicant who has been working as a lecturer in Zoology stream in Girls Higher secondary School, Chinta Zone IV, Doda which is hard zone and has been transferred to GHSS Koti Zone III 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, Girls Higher secondary School, Chinta Zone IV, Doda. 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 15.09.2023, 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 representation dated 01.09.2023 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, the applicant shall be permitted to work at Girls Higher Secondary School, Chinta."

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, vide letter dated 12.10.2023, the applicant was requested to appear in the Administrative Department for hearing on 16.10.2023. 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 statement the applicant has stated that he has been transferred from HSS Chinta, Doda (Zone-IV) and posted at HSS Koti, Doda (Zone-III) which is very far off place from his residence. The applicant has stated that his wife is also working in Education Department as 3rd teacher in GUPS Bandass which is 80 kms away from his residence and she is unable to reach home on daily basis. That after transfer to GHSS Koti even it is not possible for him also to reach home every day. Further, there is no one to look after our children in Chakka Bhaderwah and he has also submitted his willingness to continue to work in Zone IV. The applicant has requested that he may be retained at his present place of posting as the post of Lecturer Zoology is still vacant in the institution or transfer to GHSS Boys Doda or GHSS Khellani, Doda against available vacancy;

Whereas, the case of the applicant was thoroughly examined in the Department and the directions of the Hon'ble Central Administrative Tribunal and it has been found that the request of the applicant for retention at the same school cannot be considered. However, the applicant's request to serve in zone IV can be considered in view of the clear vacancy at HSS Chakrabhati, Doda (Zone IV);

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 15.09.2023 passed in O.A.No.61/1235/2023 titled Zameer Ahmed v/s UT of J&K & Ors and the applicant is hereby transferred and posted at HSS Chakrabhati, Doda (Zone III). 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)/458/2023-01

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, Doda.
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