



GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT JAMMU/KASHMIR

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Subject: - OA No 858/2023 titled Ghulam Qadir Bhat vs Ut of J&K & Ors.

Government Order No: - 391 - JK (Edu) of 2024

D a t e d: - 26 - 09- 2024

Whereas, the applicant, Ghulam Qadir Bhat, has filed an Original Application before the Hon'ble Central Administrative Tribunal at Jammu, wherein he prayed as follows:

- i. Direct the respondent to confer upon the applicant retrospective effect of regularization to the post of Zonal Education Officer(ZEO) w.e.f 03.09.2009 i.e the date the applicant was promoted as In-charge Zonal Education Officer, instead of 01.08.2012 as granted vide order dated 12.04.2023.
- ii. Direct the respondent to confer all the consequential benefits to which the applicant shall be entitled pursuant to his regularization as Zonal Education Officer w.e.f 03.09.2009.

Wherein, the Hon'ble Central Administrative Tribunal vide its order dated:- 27-07-2023, has disposed of Original Application with the following direction:-

*".... Accordingly, the Original Application disposed of with a direction to respondent to treat this Original Application as his representation and decide the same, as per extant rules, by passing a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order. The applicant is at liberty to furnish any other relevant to his case, if he so desires. The decision taken in the matter shall be duly communication to the applicant;and*

Whereas, in compliance with the directions of the Hon'ble Central Administrative Tribunal, the case of the applicant was examined by the Department, and it has been found that vide Government Order No. 05-Edu(JK) of 2023 dated 04.01.2023, the final seniority list of In-charge Zonal Education Officers (Confirmed Headmasters) was issued. As per the eligibility list for regularization of In-charge ZEOs as ZEOs, the applicant/petitioner figures in the seniority/eligibility list as follows:



Snty. No.(vide GO. No.05-JK(Edu) of 2023 Dt.4.1.23	Name of the officer	Place of Posting	Date of Birth	Date of Retirement	Date of confirmation as Headmaster	Date of Promotion as I/C ZEO & G-O-DATED-	Date of Promotion as I/C ZEO & G-O-NO-	Date of vacancy /Cause of vacancy	Proposed date of Regularization.
446	Ghulam Qadir Bhat (RBA)	I/C ZEO Kishtwar	24.11.1955	30-11-13	01-07-2005	03.09.2009	675-Edu of 2009	Vacancy (dated 01-10-2010) reserved at S.No. 302	Regular w.e.f.01-08-2012 up to Date of retirement

Whereas, the benefit of promotion based on category reservation shall be granted only after a decision from the Apex Court/GAD; and

Whereas, the last incumbent officer in the Departmental Promotion Committee (DPC) held in 2012 for regularization of In-charge ZEOs as ZEOs was regularized w.e.f. 01.04.2008;and

Whereas, the Department conducted a DPC meeting on 12.01.2023 for the regularization of In-charge ZEOs as ZEOs, and eligible incumbents/officers were regularized from the date they had actually held the post of In-charge ZEO in accordance with Government Order No. 743-GAD of 2007 dated 28.06.2007, which stipulates as follows

*"Promotion of a Government employee shall take effect from the date, he has been formally put incharge of the higher post, subject to his eligibility in accordance with the recruitment rules and availability of the vacancy. His clearance/ regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, whichever is later. In all other cases, the promotion of a Government employee to the next higher post shall take effect from the date of issuance of the order."*

Whereas, the applicant was regularized as Zonal Education Officer (ZEO) w.e.f. 01.08.2012 up to the date of retirement, and the vacancy (dated 01.10.2010) reserved for him was proposed to be utilized from a later date. The benefit of promotion based on category reservation shall be granted only after a decision from the Apex Court/GAD; and

Whereas, the Department conducted a DPC meeting on 12.01.2023 regarding this cadre, in light of Government Order No. 743-GAD of 2007 dated 28.06.2007, issued by the General Administrative Department, and the eligible incumbents were considered and regularized from the date of the accrual of a substantive vacancy; and



Now, therefore, considering the facts and circumstances of the case and in compliance with the directions of the Hon'ble Central Administrative Tribunal's order dated 27.07.2023 passed in OA No. 858/2023 titled Ghulam Qadir Bhat v/s UT of J&K & Ors., the claim of the applicant has been duly considered by the Department and, being untenable under the rules, is hereby rejected

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

**Sd/-**

Alok Kumar, (IRS)  
Principal Secretary to the Government  
School Education Department

No:- Edu-LGL0Jmu(CAT)/5/2024-01

Dated:- 26.09.2024

**Copy to the:-**

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD with Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to Principal Secretary to the Government, School Education Department for information.
5. Concerned Ld. AAG, Hon'ble Central Administrative Tribunal at Jammu for information.
6. Ghulam Qadir Bhat (Applicant) for information.
7. I/C Website for uploading the same on official website.
8. Government Order File/ Concerned File (w.2.s.c).

*(Signature)*  
26.09.2024

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