



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

Subject: OA No.1203/2023 titled Muzaffar Qazam Wani V/S UT of J&K & Ors.

Government Order No. 41 -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 Muzaffar Qazam Wani was received by the Department through Online Transfer Portal;

Whereas, the representation of Muzaffar Qazam Wani 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, Muzaffar Qazam Wani, Sr. Lecturer, Political Science working at Govt. HSS Dalwah, Ramban was transferred and posted at HSS Ramban vide G.O No. 277-JK(Edu) of 2023 dated 31.08.2023.;

Whereas, Muzaffar Qazam Wani pursuant to his transfer has filed OA No. 1133/2023 titled Muzaffar Qazam Wani Vs UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:-

- i. Set aside quash the Govt. Order No.277-JK(Edu) of 2023 dated 31.08.2023 issued by respondent No.1 transferring the applicant from HSS Salwah Tehsil Gool District Ramban to HSS Ramban which is almost 60 KM away from his residence of the applicant.
- ii. That respondents may please be directed not to disturb the services of the applicant before his retirement.

Whereas, the Hon'ble CAT after hearing the applicant disposed of the OA by passing order dated 12.09.2023, the operative part of which is reproduced as under:

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"..... 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 not be displaced from Government Higher Secondary School, Dalwah, Tehsil Gool.

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 05.10.2023, the applicant was requested to appear in the Administrative Department for hearing on 09.10.2023. The applicant appeared on 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 already shown his willingness to work in HSS Dalwah Zone-V but, he has been transferred to HSS Ramban which is about 55 kms from his residence as he is a patient of PIVD with lumbar spine, medical certificate of standing medical board is also attached. Moreover, father of the applicant is a cancer patient and needs his care during his critical life consuming disease. The applicant has requested that he may be retained in HSS Dalwah, Ramban;

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 is having a stay of one year nine month only and the applicant has shown his willingness to continue in HSS Dalwah, Ramban which falls in zone V and as such his request can be considered as there is clear vacancy available.

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 12.09.2023 passed in

OA No.1203/2023 titled Muzaffar Qazam Wani V/S UT of J&K & Ors_and his request for retention at HSS Dalwah, Ramban is accepted and therefore the applicant has been retained at HSS Dalwah, Ramban (Zone V).

By order of the Government of Jammu and Kashmir.

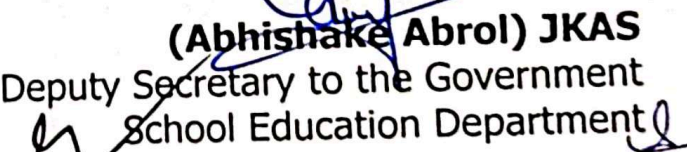
**Sd/-
(Alok Kumar), IRS
Principal Secretary to the Government**

No: Edu-LGL0Jmu(CAT)/387/2023-01

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, Ramban.
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