



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

Subject: OA.No.1166/2023 titled Vijay Kumar V/s UT of J&K & Ors.

Government Order No. 47 -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 Vijay Kumar was received by the Department through Online Transfer Portal;

Whereas, the representation of Vijay Kumar 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, Vijay Kumar, Lecturer, Political Science working at HSS Bhagwah, Doda was transferred and posted at HSS Sazan, Doda (Zone IV) vide G.O No. 277-JK(Edu) of 2023 dated 31.08.2023;

Whereas, Vijay Kumar, pursuant to his transfer, has filed OA No.1166/2023 titled Vijay Kumar V/S UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i. Prayer seeking quashing of the Order no.277-JK(Edu) of 2023 dated 31.08.2023 qua the applicant, passed by respondent no.1 vide which the applicant, Lecturer in Political science (Associate NCC Officer), figuring at S.No.3, has been transferred from Government Higher Secondary School Bhagwah, Doda to a non-NCC institution i.e, Govt. Higher Secondary School Sazan, Doda, the same is grossly arbitrary, passed with non-application of mind.
- ii. Prayer seeking direction for the respondents to allow the applicant to continue at his present i.e, Govt. Higher Secondary School Bhagwah, Doda, in the given facts and circumstances of the case.

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 decide the applicant's representation dated 01.09.2023 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, Bhagwah, Doda. "

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 is working at GHSS Bhagwah, Doda and has been transferred to HSS Sazan, Doda. He is a trained ANO with commission No. 05110126 Rank-Lt and he is providing all his services in NCC to the cadets at his institution and also deployed at various NCC camps scheduled for the year 2023-24. Further, stated that if he is relocated from the present educational institution will adversely affect the functioning of NCC activities and also withdrawal of NCC that effect the carrier of youth at that area and he need to be transferred at that school where NCC is functional so that he can extend his services to the NCC cadet. The applicant has requested that he may be retained at his current place of posting or transfer or adjusted against the post having same duties;

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 on 11.09.2023 passed in OA.No.1166/2023 titled Vijay Kumar V/s UT of J&K & Ors, the applicant is hereby transferred and posted at HSS Kilhotran Doda. 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

Dated:- 05 .01.2024

No: Edu-LGLOJmu(CAT)/373/2023-01

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