



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

Subject: OA.No.1201/2023 titled Jaweed Iqbal Khanday v/s UT of J&K & Ors.

Government Order No. 48 -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 Jaweed Iqbal Khanday was received by the Department through Online Transfer Portal;

Whereas, the representation of Jaweed Iqbal Khanday 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, Jaweed Iqbal Khanday, Lecturer Zoology working at HSS Boys Banihal, Ramban was transferred and posted at HSS Pogal, Ramban vide G.O No. 287-Jk(Edu) of 2023 dated 01.09.2023.;

Whereas, Jaweed Iqbal Khanday, pursuant to his transfer, has filed OA.No.1201/2023 titled Jaweed Iqbal Khanday v/s UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i. Quashing impugned Govt. Order No.287-JK(Edu) of 2023 dated 01.09.2023 to the extent it pertains the transfer of the applicant from Govt. Higher Secondary School (Boys), Banihal to Govt Higher Secondary School, Pogal, Ramban.
- ii. Direct the respondents to allow the applicant to continuously work at his present place of posting as lecturer in the discipline of Zoology at Govt. Higher Secondary School (Boys, Banihal).

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:

"....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 09.09.2023 and pass a reasoned and

speaking order while keeping in view the observations made by the Hon'ble High Court in Tahira's case (supra). 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 (Boys), Banihal.

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 09.10.2023, the applicant was requested to appear in the Administrative Department for hearing on 11.10.2023. 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 he is at the verge of retirement and have only 16 months of service left now and his spouse is a govt employee in health department and is posted at Sub Centre Nowgam, Banihal which is about 60 km away from his new place of posting and is very difficult for him to travel daily. Further the applicant has stated that he has already served in Ladakh UT for about 2 years and was posted in District Kargil and is not physically fit and have disc problem with having L-4, L-5 and S-1 as per the MRI report and very difficult for him to travel or walk on daily basis. That he had given the choice in willingness in Zone III in the recent ATD which was totally ignored without keeping his retirement in consideration. The applicant has requested that he may be retained at his present place of posting or adjust at HSS Tethar, Ramban;

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 wife of the applicant is working in the Health Department and posted at Nowgam Banihal . In terms of Clause-16 of transfer policy-2023 that where both the husband and wife are in Government service, they may be posted conveniently as far as practicable, subject to the availability of post. There is clear vacancy available in HSS Tethar which fall in zone IV of District Ramban so his request can be considered for 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 on 12.09.2023 passed in OA.No.1201/2023 titled Jaweed Iqbal Khanday v/s UT of J&K & Ors, the applicant is hereby transferred and posted at HSS Tethar, Banihal, Ramban (Zone IV). 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.

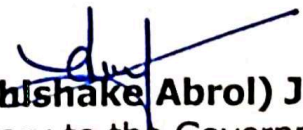
Sd/-
(Alok Kumar), IRS
Principal Secretary to the Government

No: Edu-LGL0Jmu(CAT)/424/2023-01

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).


(Abhishek Abrol) JKAS
Deputy Secretary to the Government
School Education Department