



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

Subject: OA No.1155/2023 titled Imran Nabi Vs UT of J&K & Ors.

Government Order No. 51 -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 Imran Nabi was received by the Department through Online Transfer Portal;

Whereas, the representation of Imran Nabi 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 Imran Nabi, Lecturer Botany working at HSS (G) Banihal, Ramban and posted at HSS Pogal, Ramban vide G.O No. 261-JK(Edu) of 2023 dated 30.08.2023;

Whereas, Imran Nabi, pursuant to his transfer, has filed OA No.1155/2023 titled Imran Nabi Vs UT of J&K & Ors before the Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i). Quashing impugned transfer Order no.261-JK (Edu) of 2023 dated 30.08.2023 to the extent of transfer of applicant from Government Higher secondary School Banihal Zone-III to Government Higher secondary School Pogal Ramban Zone-IV, whereby and where under the applicant who has been working as a lecturer in Botany stream in Government Higher secondary School Banihal has been transferred to Government Higher secondary School Pogal Ramban 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, Government Higher secondary School Banihal till the disposal of the O.A.

Whereas, the Hon'ble CAT after hearing the applicant disposed of the OA by passing order dated 08.09.2023, 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 pending representation dated 01.09.2023 and pass a reasoned and speaking order while keeping in view the provisions of Clause-3 and C-16 of transfer policy dated 24.04.2023. 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, he shall be permitted to work at Government Higher secondary School 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 22.09.2023 the applicant has been asked to appear in the Administrative Department on 25.09.2023. The applicant appeared for hearing in the Department on 25.09.2023 i.e on scheduled date and time and the applicant was heard in person and was allowed to submit his written statement as well;

Whereas, in his written statements, the applicant stated that he has been transferred from HSS (G) Banihal, Ramban and posted at HSS Pogal, Ramban .Further the applicant has stated that his spouse is posted at HSS (G) Banihal and his mother is a heart patient and is on pacemaker having TB. The applicant has requested that transfer order may be modified and he may be allowed to continue at HSS (G) Banihal on spouse posting grounds. Besides also shows preference for modification i.e HSS Vessu Anantnag and HSS Qazigund;

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 applicant has opted preference of posting viz Anantnag (Zone 1), Anantnag (Zone 2), Ramban (Zone 4). The wife of the

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applicant is working as Jr. Assistant and posted at HSS (G) 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 Bench, Jammu on 08.09.2023 passed in OA No.1155/2023 titled Imran Nabi Vs UT of J&K & Ors, the applicant is hereby transferred and posted at HSS Tethar 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

Dated:- 05.01.2024

No: Edu-LGL0Jmu(CAT)/316/2023-04

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. Concerned.
9. Principal Concerned for necessary compliance in the matter.
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