



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

Subject: OA.No.1192/2023 titled Assadullah Bhat V/s UT of J&K & Ors.

Government Order No. 52 -JK (Edu) of 2024

Dated: 06 .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 Assadullah Bhat was received by the Department through Online Transfer Portal;

**Whereas**, the representations of Assadullah Bhat 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, Assadullah Bhat, Lecturer, Botany working at HSS (B) Banihal, Ramban was transferred and posted at HSS Sanasar, Ramban vide G.O No. 261-JK(Edu) of 2023 dated 30.08.2023;

**Whereas**, Assadullah Bhat, pursuant to his transfer, has filed OA.No.1192/2023 titled Assadullah Bhat V/s UT of J&K & Ors before the jurisdictional Tribunal of Hon'ble Central Administrative Tribunal, Jammu praying for following reliefs:

- i. Prayer seeking quashing of Government Order no.261-JK(Edu) of 2023 dated 30.08.2023 qua the applicant, passed by respondent no.1 vide which the applicant, Lecturer in Botany (First Officer NCC), figuring at S.No.95, has been transferred from Government Higher Secondary School (Boys) Kishtwar to Government Higher Secondary School (Boys) Banihal Ramban to a non-NCC institution i.e, Government Higher Secondary School Sanasar, Ramban 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, Government Higher Secondary School (Boys) Banihal Ramban, in the given facts and circumstances of the case.

*Handwritten initials/signature*



**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 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 (Boys), Banihal, Ramban. "

**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 has been transferred from HSS (B) Banihal Ramban (Zone-3) to HSS Sanasar, Ramban (Zone-IV). Further the applicant has stated that he was performing his duties as Associate NCC Officer and posted at HSS Sanasar Ramban which is a Non- NCC institution and is in violation of Clause A (K) of notification dated 26.04.2023. The applicant has requested that he may be retained at HSS (B) Banihal 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 the case of the applicant can be considered and he can be posted as ANO being NCC trained in terms of Clause-K of Notification No.01.-Jk(Edu) of 2023 dated 26.04.2023 which says that ANOs having mature stay and handling NCC Assignments shall also apply and can be adjusted against the post having same duties/responsibilities as far as practicable. However, as per clause C (VI) of 01-Jk (Edu) of 2023 dated 26.04.2023 that the department reserves the right to post/adjust the employees beyond the choice opted by him/her for administrative reasons. Besides, the post of lecturer is a UT cadre post and can be transferred and posted anywhere in the UT of J&K. The applicant is serving in the said Institution for the last 5 years as such the retention at the same school is not justified. The applicant is a NCC Commissioned and can be posted in the Institution where NCC is available in terms of Clause-K of Notification No.01.-



Jk (Edu) of 2023 dated 26.04.2023. As such the petitioner can be considered for his modification from HSS Sanasar, Ramban to HSS Mansar Udhampur;

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 12.09.2023 passed in OA.No.1192/2023 titled Assadullah Bhat V/s UT of J&K & Ors and the applicant is hereby transferred and posted at HSS Mansar Udhampur against clear vacancy. 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:- 06.01.2024

No: Edu-LGL0Jmu(CAT)/374/2023-01

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, Udhampur.
8. Principal Concerned for necessary compliance in the matter.
9. Concerned.
10. Private Secretary to Principal Secretary to Government, School Education
11. I/c website.
12. Government Order file (w.2.s.c).

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