



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

Subject: i. OA.No.1181/2023 titled Sandeep Sharma V/s UT of J&K & Ors.
ii.OA.No.1535/2023 titled Sandeep Sharma V/s UT of J&K & Ors.

Government Order No. 61 -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 Sandeep Sharma was received by the Department through Online Transfer Portal;

Whereas, the representations of Sandeep Sharma was considered under the provisions of the Transfer Policy issued by the Department vide Government Order No. 103-JK(Edu) of 2023 dated 24.0.2023 and subsequently, the applicant, Sandeep Sharma lecturer Commerce working at HSS SRML Jammu (Zone-I) was transferred and posted at HSS Dullangal, Kathua (Zone-V) vide G.O No. 279-Jk(Edu) of 2023 dated 01.09.2023;

Whereas, Sandeep Sharma pursuant to his transfer filed OA.No.1181/2023 titled Sandeep Sharma V/s UT of J&K & Ors before the Hon'ble CAT and 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, of School Education, Union Territory of Jammu & Kashmir to decide the applicant's representation dated 04.09.2023 and pass a reasoned and speaking order while keeping in view the policy guidelines 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.

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So long as the applicant's representation remains pending with the Principal Secretary to Government, of School Education, Union Territory of Jammu & Kashmir, the applicant shall be permitted to work at Government Higher Secondary School, SRML, Jammu

Ordered accordingly.

However, there shall be no orders so as to costs."

Whereas, the Department vide Government Order No. 357-JK(Edu) of 2023 dated 08.11.2023 has modified the posting of the applicant and the applicant was adjusted at HSS Pouni, Reasi. Feeling aggrieved, the applicant has filed another original application before the Hon'ble CAT with the request to reconsider his modification as has been requested in the earlier OA which was disposed of on 24.11.2023;

Whereas, the applicant appeared in the Administrative Department for hearing on 25.09.2023. 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 SRML Jammu to HSS Dullangal Kathua which is approximately 300 Km away from his residence thus making challenge for him to fulfill family responsibilities as his father is battling with cancer and undergoing chemotherapy at Medanta Hospital Delhi. It has further been stated that being highly qualified professional in the stream of commerce, his skills are not utilized properly as there is zero enrolment in HSS Dullangal in subject Commerce. Further it is stated that he is desirous for posting in zone-II and zone-III of Jammu district or zone-I and II of Samba district. The applicant has requested for reconsidering his transfer request and allow him to continue his services in a location which is more conducive to his family needs as the said station is approx. 600 Km to and fro from his residence. The case of the applicant can be considered in view of the peculiar facts and circumstances of the case in view of the clear vacancy at HSS Ganjansoo, Jammu;

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, on 11.09.2023 passed in OA.No.1181/2023 titled Sandeep Sharma V/s UT of J&K & Ors & order dated 24.11.2023 passed in OA.No.1535/2023 titled Sandeep Sharma V/s UT of J&K & Ors and the applicant is hereby transferred and posted at HSS Ganjansoo, Jammu. The applicant is further directed to immediately join at new place of

Handwritten initials/signature

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)/376/2023-01

Dated:- 06.01.2024

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, Jammu.
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