



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

Subject: OA.No.1191/2023 titled Jiwan Kishore V/s UT of J&K & Ors.

Government Order No. 63 -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 including the Lecturer Cadre for consideration of transfer during the year 2023 and in response, representation of Jiwan Kishore was received by the Department through Online Transfer Portal;

Whereas, the representation of Jiwan Kishore 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, Jiwan Kishore Sr. lecturer Physics working at Hss Barwal, Kathua - Zone 2 was transferred and posted at GHSS Baggan, Kathua (Zone-5) vide G.O No. 276-JK(Edu) of 2023 dated 31.08.2023.;

Whereas, Jiwan Kishore, pursuant to his transfer, has filed OA.No.1191/2023 titled Jiwan Kishore 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 that the applicant is aggrieved of the order bearing Government Order no.276-JK(Edu) of 2023 dated 31.08.2023 qua the applicant, passed by respondent no.1 vide which the applicant, Senior Lecturer in Physics (Associate NCC Officer), figuring at S.No.151, has been transferred from Govt. Higher Secondary School Barwal, Kathua to non-NCC institution i.e, Govt. Higher Secondary School Baggan, Kathua and has been relieved by the respondent no.3 vide order No. HSS/B/2023/286-288 dated 01.09.2023 with directions to report to respondent no.4 i.e, Principal Govt. Higher Secondary School (G) Baggan, Kathua for further duties in due course of time, the same is arbitrary, passed with non-application of mind.

- ii. Prayer seeking direction for the respondents to allow the applicant to continue at his previous place of posting i.e, Govt. Higher Secondary School Barwal, Kathua, 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 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, Barwal, Kathua. 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 was requested to appear in the Administrative Department 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 Barwal, Kathua to GHSS Baggan, Kathua. Further the applicant has stated that he is trained NCC officer and is providing services to the NCC cadets of the school since 2020 and has been currently deployed for various NCC camps scheduled for 2023-24. Now has been transferred to Non- NCC institution. Further he has also stated that in the transfer policy issued there is clearly mentioned that ANOs be posted to the Institution having NCC. Further more he has stated his daughter is handicapped having percentage of 60%. The applicant has requested that he may kindly be retained at HSS Barwal kathua or posting in District Samba;

 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.1191/2023 titled Jiwan Kishore V/s UT of J&K & Ors. The applicant is hereby transferred and posted at GHSS, Samba.

By order of the Government of Jammu and Kashmir.


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

No: Edu-LGL0Jmu(CAT)/364/2023-01

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, Samba.
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.