



GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT
(HUMAN RESOURCE MANAGEMENT SECTION)
CIVIL SECRETARIAT, J&K

Subject: O.A. No. 166/2023 titled Mohammad Iqbal Sheikh V/s School Education Department.

Government Order No. 99 - JK (Edu) of 2024.

Dated: 12.02.2024.

Whereas, vide Government Order No. 67-JK(Edu) of 2023, dated 03.03.2023, Mr. Mohammad Iqbal Sheikh, look-after Zonal Education Officer, Baramulla was transferred and posted as look-after Zonal Education Officer, Gool (Ramban);

Whereas, Mr. Mohammad Iqbal Sheikh filed O.A No. 166/2023 before the Hon'ble Central Administrative Tribunal (CAT) Srinagar Bench seeking following relief:-

- (i) Allow the Original application and quash the Government Order No. 67-JK (Edu) of 2023, dated 03.03.2023 to the extent of the transfer of the applicant.
- (ii) Direct the respondents for allowing the applicant to perform his duties at his present place of posting as Incharge Zonal Education Officer, Baramulla.

Whereas, the the Hon'ble CAT disposed of the O.A vide its order dated 09.03.2023 with following directions:-

"In view of the above, the respondents are directed to consider the representation made by the applicant on the same analogy as has been done in case of the other two individuals who were transferred along with the applicant so that he can look after his aged and ailing parents and unmarried daughter. It is further directed that till af final decision is taken on the representation of the applicant, he shall not be relieved from his present place of posting. The exercise be completed within 08 weeks.

With this the OA is disposed of. There will be no order as to costs."

Whereas, the case was examined in the Department and it is submitted that the post of ZEO is a UT cadre post and the UT cadre incumbent is required to serve in any part of the Union Territory of J&K upon Administrative requirement of the Government and as such, the applicant cannot insist upon his posting at a particular place of his choice;

Whereas, in terms of Rule 27 of J&K Classification Control and Appeal Rules, 1956, a member of a service or class of a service may be required to serve in any part of the Union Territory of Jammu and Kashmir on any post borne on the cadre of such service or class. Further, it is a settled law that transfer of a Government servant appointed to a particular cadre of transferable post from one place to the other is an incidence of service. No Government servant, therefore, has any legal right for being posted at any particular place;

Now, therefore, in compliance to the order dated 09.03.2023 passed by the Hon'ble Central Administrative Tribunal (CAT) in O.A. No. 166/2023, Mr. Mohammad Iqbal Sheikh, look-after Zonal Education Officer, under orders of transfer as look-after Zonal Education Officer, Gool (Ramban) is hereby transferred and posted as look-after Zonal Education Officer, Nagam Budgam.

By order of the Government of Jammu & Kashmir.


Sd/-
(Dr. Piyush Singla) IAS
Administrative Secretary,
School Education Department.

No: Edu-LGL0Kmr/62/2023-08(7145171)

Dated: 12.02.2024.

Copy to the:

1. Joint Secretary, (JK&L), Ministry of Home Affairs, Gol.
2. Director, School Education Kashmir.
3. Director Finance, School Education Department.
4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
5. Chief Education Officer, Baramulla/Budgam.
6. Concerned Officer.
7. Private Secretary to Principal Secretary to the Government, School Education Department.
8. I/c Website School Education Department.
9. Government Order file (w.2.s.c).


(Masood Ahmad Wani)
Deputy Secretary to the Government.

