

I/390630/2024



GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF SCHOOL EDUCATION KASHMIR
Srinagar Bhabh. Near SP College, Srinagar (J&K) - 190001

Subject: - O.A No. 68/2024 titled Javid Ahmad War VS UT of J&K and Ors.

**ORDER NO. 143 DSEK OF 2024
DATED: 16/05 / 2024**

Whereas, pursuant to the Decision of the Divisional Departmental Promotion Committee, a consolidated list of 1255 I/C Masters was drawn up by this Directorate vide Order No. 22-DSEK of 2018 dated 04/01/2018, including the petitioners and other Trained graduate/Trained Post-graduate teachers elevated as Incharge Masters as a stop gap arrangement vide this office Order No. 831-DSEK of 2014 dated:- 24/06/2014; and

Whereas, the said list was placed before the Divisional Departmental Promotion Committee along with the vacancy position of Masters and as per the approval conveyed by the Divisional Departmental Promotion Committee in its meeting held on 06/01/2018 and 19/09/2018, this Directorate issued confirmation orders in favour of 657 In-charge Masters appointed up to **12/05/2003** in the Pay Band of Rs. 9300-34800 with grade pay of Rs4280, strictly as per the seniority and availability of Posts; and

Whereas, subsequently among others, the petitioners were confirmed as Masters vide this Directorate Order No. 467 DSEK of 2022 dated 12/09/2022 in the Pay Level-6E (35900-11350) w.e.f. 01/01/2019 strictly in accordance with their seniority and as per the availability of vacancies up to the appointees of **04/01/2005**; and

Whereas, the petitioners aggrieved with the date of effect of confirmation granted to them, approached the Hon'ble Central Administrative Tribunal with the claim that their confirmation as Master from the date of issuance of Placement Order (as I/C Master) dated: 24/06/2014 was delayed due to delay in convening the Divisional Promotion Committees meeting and prayed to direct the respondents to give effect to the promotion/confirmation from the date they were placed as I/C Masters i.e. **22/09/2014**; and

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Whereas, the Hon'ble Tribunal passed an Order dated 06/02/2024, the operative para of which is reproduced as under;

"granted six weeks time to file the reply in the instant case and in the meanwhile the Hon'ble Tribunal has further directed the respondents to address to the representation filed by the petitioners and the respondents to consider the same in light of the averments made in the said representation."

Whereas, in compliance to the Hon'ble Central Administrative Tribunal Order supra, the case of the petitioner was considered and found that claim of the petitioners as per the relevant records available in this Directorate is not based on facts, due to the reason that a number of Divisional Promotion Committee meetings were convened in this Directorate in between the date of placement and confirmation of the petitioners, by virtue of which several other In-charge Masters senior to the petitioners were confirmed strictly in accordance with their seniority and as per the availability of vacancies accrued from time to time.

Now therefore, the claim of the petitioners for confirmation as Masters w.e.f **24/06/2014** after taking into consideration the averments made by the petitioners in the present O.A, seniority and availability of vacancies that has accrued from time to time, is found devoid of merit, and hence rejected.

14/05/24
Director,

5786 *14/05*
School Education Kashmir

No: DSEK/Estt-III/A/LS/116/2024(7426029)

Dated: 16/05/2024

Copy to the:

1. Administrative Secretary School Education Department, Civil Secretariat, Jammu/Srinagar for information.
2. Chief Education Officer, _____(All) for information and necessary action.
3. In-charge website.
4. Order file/stock file.