



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

**Sub: SWP No. 2951 of 2002 contempt petition No. 325/2010
titled Udey Chander Bhat Versus State & Ors.**

**ORDER NO. 293 - DSEK OF 2023
DATED 01 -11-2023**

Whereas, Sh. Udey Chander was appointed in the Department on 01-03-1973 as Teacher in District Srinagar and later on pursued the B.Ed. course in the year 1981 as an in-service candidate; and

Whereas, according to his eligibility and seniority he was promoted as Master with his counter-parts and was posted in District Leh vide this office Order No. 1450 of 1998 dated 23-03-1998 figuring at S.No.110 in the annexure to the said order; and

Whereas, wide publicity was given to the said promotion order through a leading newspaper viz Daily Excelsior on 06-04-1998 for information of all concerned and its compliance; and

Whereas, the said petitioner failed to avail the benefit of the said promotion by not joining on the post of Master in District Leh and later on filed a writ petition in the Hon'ble High Court under SWP No. 2951 of 2002 titled Udey Chander Bhat Versus state & Ors; and

Whereas, the Hon'ble High Court of J&K at Jammu disposed off the said petition on 25-03-2010 and passed the following directions:-

"The petition is disposed of with the direction to the respondents to consider the case of the petitioner for promotion to the higher grade as Master and to release all consequential service benefits to which he would be found entitled to within three months from today."

by Whereas, the matter remained under correspondence in different offices because of the fact that the petitioner was serving in Migrant Cell, Jammu and the petitioner had already attained superannuation on 30/06/2003; and

Whereas, the case of the petitioner was examined by this office and it was observed that the petitioner was promoted with his counterparts at relevant point of time by the Department on 23-03-1998 and was posted at District Leh which he failed to avail by not joining as Master and is deemed to have foregone the promotion as such cannot be considered for de-novo promotion at this juncture.

Now therefore, keeping in view the above mentioned facts and circumstances, the claim of the petitioner is found to be devoid of merit and therefore is rejected.

Leung
01/11/23

Director

School Education Kashmir

No.: DSEK/Estt/A/*Lit-file*/3677

Dated: 01 /11/2023

Copy to the:

- 1) Principal Secretary to Government, School Education Department, Civil Secretariat, Srinagar for information.
- 2) Joint Director Migrant Cell Jammu for information and necessary action.
- 3) Learned AAG, Hon'ble High Court , Jammu for information with the request to file the compliance before the Hon'ble Court
- 4) Mr. Udey Chander Bhat(Petitioner), for information and compliance.
- 5) In-charge website, DSEK.
- 6) Order file/stock file.