

1/9406/2022

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**GOVERNMENT OF JAMMU & KASHMIR
DIRECTORATE OF SCHOOL EDUCATION, JAMMU
MUTHI CAMP, JAMMU – 181205**

Sub: Review of suspension case and decision thereof in SWP No. 1238/2017 titled Jarnail Singh V/s State & ors. (District Reasi).

ORDER

Whereas, vide Government Order No. 223-Edu of 2017 dated 16-05-2017, a Review Committee was constituted to review the suspension of non-gazetted employees of School Education Deptt.; and

Whereas, Sh. Jarnail Singh, Teacher, HS Shikari, Zone Chassana was suspended by ZEO Chassana vide order No. ZEO/Chass/SSA/358 dated 05-08-2010 for his involvement and arrest in case FIR No. 77/2010 of Police Station, Mahore u/s 376 RPC. After conclusion of the trial the Hon'ble Court vide judgment dated 30-09-2016 convicted the official/ accused and sentenced to undergo imprisonment of 07 years and also imposed fine; and

Whereas, against the said order the official namely Jarnail Singh filed conviction appeal, Cr. Appeal No.49/2016, wherein the Hon'ble High Court vide order dated 18-10-2016 has directed that the appellant be treated as under trial; and

Whereas, consequent upon the filing of the conviction appeal, the official has approached the Hon'ble Court in SWP No. 1238/2017 titled Jarnail Singh V/s State & ors. for release of his subsistence allowance which was stopped after his conviction in the case. The Hon'ble Court vide order dated 14-09-2017 has disposed of the writ petition with the following directions:-

"In view of the clear legal position this writ petition is admitted to hearing and disposed of directing that the respondents shall restore the payment of subsistence allowance to the petitioner and pay the same in terms of the rules from the date it has been stopped".

Whereas, CEO Reasi vide communication No. CEO/Ri/Esst/161 dated 18-05-2020 had stated that the said Teacher was under Police Custody at Kot Bhalwal Jail, Jammu. The case of the official was placed before the review committee on 16-06-2020 and the committee decided as under:-

"The official is entitled for subsistence allowance in terms of Article 108(1) of J&K CSR 1956. The Committee has decided and recommended that the concerned CEO/DDO shall strictly follow the mandate of the Article 108(1) of J&KCSR 1956 and will implement the order dated 14-09-2017 of the Hon'ble High Court in its letter and spirit and release the subsistence allowance accordingly".

Whereas, it is pertinent to mention here that CEO, Reasi vide letter No. CEO/Rsi/legal/7515 dated 15-02-2021 had requested for reinstatement of the official in view of the fact the Hon'ble High Court vide judgement dated 29-12-2020 in CRA No. 49/2016 titled Jarnail Singh V/s state of J&K acquitted the official, the operative part of which is reproduced as under:-

"In view of the discussion made above, the Court is of the view that the prosecution had failed to prove its case against the appellant-accused beyond shadow of doubt. The appeal is allowed and the judgement of the trial court is liable to be set aside and is, accordingly, set aside. The appellant-convict is acquitted of the charge framed against him under section 376 RPC and to be released forthwith. The record of the trial court be sent back".

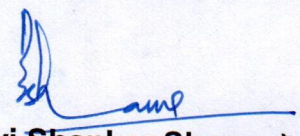
Whereas, as reported by ZEO Chassana, the said official had joined his duties on 01-01-2021 and vide letter No. ZEO/Chass/827 dated 11-02-2021 had forwarded his case for the reinstatement. As such the case was placed before the Review Committee on 18-02-2021 and the Committee decided to review it lateron till the appeal period is over; and

Whereas, CEO Reasi vide letter No. CEO/Rsi/legal/12141 dated 05-01-2022 recommended for the reinstatement of the official; and

Whereas, the case of the Teacher was placed before the Review Committee which met in the Directorate on 20-01-2022 under the chairmanship of Director School Education, Jammu and after threadbare discussions/ deliberations in the instant case, the Committee made the following recommendations:-

"The committee considered the case and decided to reinstate the official subject to the condition that the CEO concerned shall authenticate that no appeal has been filed against the order dated 29-12-2020 of the Hon'ble High Court. His period of suspension will be decided lateron".

Now, therefore in view of the recommendations of the Review Committee Sh. Jarnail Singh, Teacher is hereby reinstated subject to the condition that CEO Reasi shall authenticate that no appeal has been filed against the order dated 29-12-2020 of the Hon'ble High Court. His period of suspension will be decided lateron.


 (Dr. Ravi Shankar Sharma) JKAS
 Director School Education
 Jammu.

No: DSEJ/legal/ 1470-71

Dated: 18-04-2022

Copy to the:-

1. Principal Secretary to Government, School Education Department, Civil Secretariat, Jammu/ Srinagar for favour of information please.
2. Chief Education Officer, Reasi for information and necessary action.
3. I/c Web site for uploading the order on official web site.