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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.1399/2016 titled Talib Hussain & anr. V/s state & ors.

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 Department; and

Whereas, Sh. Talib Hussain, Senior Assistant was transferred by Director School Education Jammu vide order No. 857-DSEJ of 2016 dated 17-02-2016 from HSS Dessa to ZEO Office Bhatyas but in view of his attachment in DDC Office Doda he was retained by D.C. Doda vide order No. DDC/Edu-Corsp/14529-32 dated 29-02-2016; and

Whereas, Director School Education Jammu vide order No. DSEJ/NG/18594-96 dated 23-06-2016 suspended the official for non-compliance of transfer order; and

Whereas, he approached the Hon'ble High Court through the medium of SWP No. 1399/2016 titled Talib Hussain & anr. V/s state & ors. and the Hon'ble High Court vide interim order dated 25-07-2016 stayed the suspension order dated 23-06-2016; and

Whereas, CEO Doda vide letters dated 06-09-2019 and 26-05-2020 had recommended for the reinstatement of the official, accordingly the matter was placed before the review committee on 16-06-2020 in which following decision was taken:-.

"Since the case filed by the petitioner is sub-judice, as such the committee has decided to defer the same and the same be placed afresh before the committee after the disposal of the said writ petition".

Whereas, CEO Doda vide letter dated 12-01-2022 has stated that the objections in the above titled writ petition have been filed and the official is presently serving in Boys Higher Secondary School Doda. The concluding paras of report is reproduced as under:-

"Though the objections in the above titled writ petition stood filed but the Court order with respect the impugned order (suspension) has been implemented. Presently the petitioner namely Talib Hussain is performing his duties over with dedication and sincerity at Boys Higher Secondary School Doda.

✓

I/9408/2022

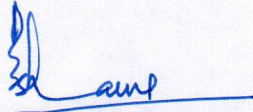
Therefore, in view of the above facts, circumstances, the prolong suspension of the official which is more than 05 years seems unjustified and harassing thus instant issue merits lenient approach because examination of the case depicts that the official became scapegoat for the higher authorities at that relevant point of time. Thus it is recommended that the official in question may very kindly be reinstated in the review meeting to meet the ends of justice".

Whereas, it is pertinent to mention here that the case of petitioner No.02 namely Riaz Ahmed, Senior Assistant of the instant writ petition was placed before the Review Committee on 18-02-2021 and the order by virtue of which Sh. Riaz Ahmed was placed under suspension was cancelled ab-initio by the Review Committee vide order No. DSEJ/legal/9600-01 dated 15-03-2021. Since the report of petitioner No.01 namely Talib Hussain was not furnished by CEO Doda at that time as such his case was not placed before the Review Committee meeting on 18-02-2021; and

Whereas, the case of the official 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 give similar treatment as given to another petitioner vide Review Committee meeting held on 18-02-2021 whereby it was decided that suspension order of the official shall be deemed to have been cancelled ab-initio".

Now, therefore in view of the recommendations of the Review Committee the order by virtue of which Sh. Talib Hussain, Senior Assistant was placed under suspension is deemed to have been cancelled ab-initio.


(Dr. Ravi Shanker Sharma) JKAS
Director School Education,
Jammu.

No: DSEJ/legal/ 1460-61
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, Doda for information and necessary action.

3. I/c Website for uploading the order on official Website.