



Union Territory of Jammu and Kashmir
Social Welfare Department
Civil Secretariat, J&K.

Subject: (i) O.A No. 61/182/2023 titled Sheetal Rani V/s UT of J&K & Others.
(ii) O.A No. 61/217/2023 titled Asha Devi V/s UT of J&K & others.

Government Order No: -131- JK (SWD) of 2023

Dated: -05 .06. 2023

Whereas, writ petitions / Original Applications were filed by Supervisors of ICDS Project Doda namely Sheetal Rani and Asha Devi, bearing O.A No. 61/182/2023 titled Sheetal Rani V/s UT of J&K & Others and O.A No. 61/217/2023 titled Asha Devi V/s UT of J&K & others respectively, challenging order No. 40-MD of 2023 dated 01.02.2023, issued by Mission Director Mission Poshan, directing the named officials to report District Programme Office, Poshan, Doda for further posting in Poshan Projects of District Doda;

Whereas, the Hon'ble Tribunal disposed of Original Application O.A No. 61/182/2023 titled Sheetal Rani V/s UT of J&K & Others at the very threshold on 22.02.2023 with the following directions;

"...We have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of at admission stage with direction to respondents to treat a copy of this O.A. as representation of applicant and take a decision on the same, as per relevant rules and other instructions on the subject, by passing a reasoned and speaking order within a period of three weeks from the date of receipt of a certified copy of this order. A copy of the speaking order shall be communicated to the applicant within one week thereafter. Till then, the respondents are directed to maintain status quo as on today qua the applicant.

Whereas, the other case bearing O.A No. 61/217/2023 titled Asha Devi V/s UT of J&K & others was also disposed of on 02.03.2023 by the Hon'ble Tribunal with the following direction;

"... Keeping in view the afore stated limited prayer made by learned counsel for the applicant, I deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to the Secretary to Government, Social Welfare Department, Union Territory of Jammu & Kashmir, Jammu (Respondent No. 1 herein) to decide the applicant's pending representation dated 06.02.2023 and pass a reasoned and speaking order in

accordance with the policy guidelines in vogue. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of a certified copy of this order.

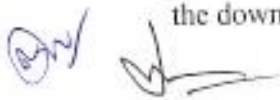
6. So long as the applicant's representation remains pending with the Secretary to Government, Department of Social Welfare, Union Territory of Jammu & Kashmir, status quo with regard to her services as it exists on today, shall be maintained."

Whereas, the applicant namely Sheetal Rani contended in her O.A that her transfer is pre mature as she was posted as Supervisor in ICDS Project Barnoti from ICDS Project Kathua by order No. 190-MD of 2022 dated 18.04.2022. Besides, it was contended that she has two minor daughters age 8 and 10 years respectively who are enrolled in school in District Kathua. Further, her husband who is an employee in Education Department and working at Pathankote, as such it was requested that she be given a feasible posting in the same general area of her spouse so that she can return home after performing duties. Moreover, it was averred that her in-laws, both being above 75 years of age are also dependent on her and her father-in-law is suffering from brain seizures and is a patient of brain tumor and is undergoing treatment for the same;

Whereas, the other applicant namely Asha Devi has submitted a representation dated 06.02.2023 through her husband namely Suresh Kumar Gouria requesting therein that the applicant has two kids and old age in-laws who are suffering from multiple ailments and undergoing regular treatment. Further contended by the husband of the applicant that his mother is in trauma due to the demise of his younger brother Shaheed Dy, SP Aman Kumar, who attained martyrdom on 24.02.2019 while performing his active duties at Kulgam Kashmir. Besides, he has to support the family of his younger brother named above. On these facts and circumstances the applicant requested to retain the services of Asha Devi in District Jammu on compassionate grounds;

Whereas, report was called from Mission Director Mission Poshan regarding the subject under reference which was submitted by the Directorate vide no. MD/I CDS/2023/Estt/ 9559 Dated: 23.03.2023, which informed that the impugned order was issued after taking notice of the public representations, review meeting taken by Deputy Commissioner Doda and the team of officers deputed for seeking the ground reality/ report with regard to poor functioning of AWCs in these areas. The records revealed that both the applicants namely Sheetal Rani and Asha Devi have been appointed as Supervisors for District Cadre Doda. However, they have managed their posting outside Doda by virtue of various orders and have never served in the District where they have been actually appointed, as Supervisors, being the District Cadre Post. As such the named Supervisors of District Doda working outside District were directed to report back to the District Programme officer ICDS Doda for further posting;

Whereas, MD, Mission Poshan suggested that the plea of the applicants needs to be rejected as it has been found devoid of any merit. As the government employees are bound to perform duties and work for the better implementation of Government schemes, meant for the down trodden and weaker section of the society;



Whereas, the matter was considered keeping in view the facts and circumstances of each case, the averments made in the writ petition and the submission made in the representation, the contents of which have been quoted above.

Whereas, it has been observed that there has been poor performance/ functioning of the Anganwadi centres in the said area and there have been certain representations to that effect as such, review meeting taken by Deputy Commissioner Doda and the team of officers deputed for seeking the ground reality also reported dismal functioning of Anganwadi centres;

Whereas, as per the Rules in vogue, the District Cadre post is not admissible for inter district transfer and the official(s) are supposed to work in his/her cadre/District for which he/she was appointed and the Government employees are bound to perform duties and work for the better implementation of Government schemes, meant for the down trodden and weaker section of the society.

Now therefore, the case of the petitioners/ applicants is considered in light of Hon'ble CAT order dated: 22.02.2023 and 02.03.2023 passed in O.A No. 61/182/2023 titled Sheetal Rani V/s UT of J&K & Others and O.A No. 61/217/2023 titled Asha Devi V/s UT of J&K & others respectively, coupled with Rule position governing the subject and found that the claim/plea of petitioners for retention is devoid of merits, hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/-
(Sheetal Nanda) IAS
Commissioner/Secretary to the Government
Social Welfare Department

No. SWD-Lit/62/2023-02

Dated: 05. 06.2023

Copy to the :-

1. Joint Secretary, Ministry of Home Affairs, Govt. of India.
2. Mission Director, Mission Poshan J&K.
3. Deputy Advocate General, CAT Bench Jammu for information.
4. Pvt. Secretary to Commissioner/Secretary to Government, Social Welfare Department.
5. Concerned petitioners.
6. I/C Website.
7. Government order file/Stock file


(Sanjay Pandita)
Under Secretary to the Government
Social Welfare Department.