

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/578/2021

This the 07th day of May, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Mohammad Hussain, Age 58 years, S/o Mirza Hussain, R/o Ehamber, Panilikar Kargil. S. No. 558-194103.
2. Abdul Aziz, Age 48 years, S/o Nizam Ul Din, R/o Prenter Parnilihar Kargil, S. No. 547-194103.
3. Mohammad Ashraf Age 45 years, S/o Mohammad Sadiq, R/o Proteckar Kargil. Sno. 552-194103.
4. Neyaz Ahmad Age 50 years, S/o Ghulam Nabi, R/o Goshan Drass Kargil, S. No. 792-194102.
5. Shamus Ul Din Age 53 years, S/o Abdul Hameed, R/o Bhimbat Drass District Kargil S. No. 823.
6. Mohammad Shafi, Age 57 years, S/o Ghulam Nabi, R/o Troungjen Drass District Kargil. Sno. 824-194103.
7. Nissar Ahmad Age 55 years, S/o Abdul Raheem, R/o Troungjen Drass District Kargil S. No. 743-194103.
8. Zakir Hussain Age 52 years, S/o Haji Ghulam Karim, R/o Bhimat Drass District Kargil. S. No. 706-194103.
9. Zakir Hussain, Age 54 years, S/o Abdul Hameed, R/o Haqnis, District Kargil S. No. 901-194109
10. Mohammad Akbar, Age 54 years, S/o Mohammad Hussain, R/o Chekten District, Kargil. Sno. No. 879.
11. Baqir Ali, Age 50 years, S/o Hassan Khan, R/o Yelma Khasho District Kargil S. No. 977194109.
12. Sheer Mohammad, Age 56 years, S/o Mohammad Ali, R/o Chikten District kargil. S. No. 916-194109.
13. Abdul Salam, Age 31 years, S/o Owan Ali, R/o Shalevchickten District Kargil. S. No. 946-194109.
14. Syed Hussani, Age 56 years, S/o Syeed Abas Raya, R/o Sankoo District Kargil, S. No. 354-194301.
15. Nissar Hussain Age 54 years, S/o Mohammad Hussain, R/o District Kargil. S. No. 194301.
16. Mohammad Hussain, Age 53 years, S/o Mohammad Mousa.
17. Vilayat Ali, Age 45 yars, S/o Ghulam Mohammad, R/o Basso District Kargil, S. No. 433.
18. Mohammad Tuha, Age 52 years, S/o Haji Ali, R/o Bassuo, District Kargil. Sno. 486-194301.

19. Mohammad Ali Butuo, Age 43 years, S/o Mohamad Hussain, R/o Bassu District Kargil-194301.
20. Nissar Hussain, Age 51 years, S/o Asgar Ali, R/o Bassou District Kargil, S. No. 487-194301.

.....Applicant

(Advocate:- Mr. S.H. Thakur)



Versus

1. Union Territory of Ladakh through Chairman Ladakh Autonomous Hill Development Council Kargil, Kargil Ladakh-194301.
2. Deputy Commissioner/Chief Executive Officer, District Kargil UT of Ladakh-194301.
3. Director, School Education UT of Ladakh, Srinagar Kashmir-190001.
4. Chief Education Officer, District Kargil UT of Ladakh-194301.

.....Respondents

(Advocate: Mr. Raghu Mehta, learned Sr. C.G.S.C.)

ORDER

ORAL

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicants herein are the senior employees of the Education Department who are working as Zonal Resource Person (ZRP) and Cluster Resource Person (CRP). The job of the applicants is in the field and they have to ensure ground level implementation of different educational schemes launched by the Central Government and the State Government. In the year 2018, a circular was issued by Respondent No. 2 under the subject of re-establishment of Zonal Resource Centers (ZRC) and Cluster Resource Centers (CRC) whereby the following decision was taken:-

“It has also been decided to rechristen Academic Monitors as ZRPs/CRPs seven (7) ZRPs/CRPs in 6 subjects of English, Math, Science, Social Science, Urdu and Kashmiri including one for Secondary Schools as per the new integrated scheme of Somagra Shiksha Abhiyan-SMSA on amalgam of SSA & RMSA to be made available per zone selected out of the Academic Monitors approved by this office and the resource persons of the Activity based learning Training. In case of shortfall, the vacancy/vacancies shall be filled up by Chief Education Officer and Principal District Institute of Education and Trainings under the Chairmanship of respective Joint Directors [As per administrative order, three committees for North, South and Central Kashmir] after attaining the necessary approval from the



Director, School Education, Kashmir. The Chief Education Officer shall get a panel of dedicated, qualified, trained and Academically sound Teachers/Masters for the selection process. These ZRPs/CRPs shall work with District Resource group under the control of Principal DIET and shall submit and advance tour diary to the Principal District Institute of Education and Training through the concerned Members of the DRG at the beginning of the each month.

In no case Zonal Education Officers or Chief Education Officer shall replace/engage these DRGs/ZRPs/CRPs without the proper approval of Director School Education, Kashmir.

The job profile and the guidelines on the Role and Responsibilities of DRGs/ZRPs and CRPs are appended with this order as Annexure-II.”

Thereafter, a meeting was conducted by the Chief Education Officer, Kargil on 12.07.2018 along with all the concerned Zonal Education officer in which some decisions were taken. In furtherance of the decision of the Chief Education Officer, Kargil, a panel was prepared allegedly in violation of the direction issued by Director School Education in which names of nine persons have been included which indicate their date of appointment and all of them are fresh recruits without any practical experience and training on the subject and none of them have carried out any field/social work and none of them have any experience of public dealing and the name of the petitioners who are presently holding the posts of the ZRP and CRP have been excluded. This panel was challenged in the Hon’ble High Court by the applicants by way of SWP No. 1933 of 2018. The Hon’ble High Court vide order dated 16.08.2018 directed that the present status of the petitioners should not be disturbed. The Respondent No. 4 has passed a general transfer order date 05.03.2021 in which the applicants are being disturbed from their present status of ZRP and CRP by the respondents in guise of transfer order.

2. Learned counsel for the applicants submits that the applicants preferred a representation dated 06.03.2021 (Annexure No. IV to the O.A.) before the respondents, however, no action has been taken on the same. He further submits that the applicants

would be satisfied, if a direction is issued to the respondents to take a decision on the representation within a stipulated time frame.



3. We have heard Mr. S H Thakur, learned counsel for the applicants and Mr. Raghu Mehta, learned Sr. C.G.S.C. and perused the records.

4. In view of the limited prayer made by the learned counsel for the applicant, we dispose of the O.A. with direction to the respondents to take a decision on the representation dated 06.03.2021 (Annexure No. IV to the O.A.) by passing a reasoned and speaking order and communicate the decision so taken to the applicant within three weeks from today. Till then, the respondents will not relieve the applicants from the present place of posting, if not already relieved.

5. It is made clear that we have not entered into the merits of the case.

6. No order as to cost.

(ANAND MATHUR)
MEMBER (A)
Arun

(RAKESH SAGAR JAIN)
MEMBER (J)