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

Sub: O.A. No.319/2025 titled Ranjit Kumar V/s UT of J&K & Ors.

Order No. 189 DSEJ of 2026

Dated: 12/05/2026

Whereas, the applicant namely Ranjit Kumar has approached the Hon'ble Central Administrative Tribunal, Jammu Bench by way of filing O.A. No. 319/2025 titled Ranjit Kumar V/s U.T. of J&K and Others, seeking direction to allow him to join back and resume his duties as Rehbar-e-Taleem (ReT) Teacher and to settle the intervening period of absence as well; and

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench vide order dated 20-03-2025, has been pleased to dispose of the aforementioned Original Application with the following directions:-

“Respondent No. 3 is directed to accord consideration to the case of the applicant for rejoining the applicant and resuming his duties as RET and also settle the intervening period of absence, keeping in view the medical condition of the applicant. Respondents shall pass a reasoned and speaking order within a period of six weeks from the date of receipt of certified copy of this order.”

Whereas, the Chief Education Officer, Udhampur vide communication No. CEOU/Legal/13430 dated 06-06-2025 has reported that the applicant was engaged as ReT Teacher in Primary School, Sansar, Zone Panchari vide Order No.ZEO/P/RET/SSA/2642-44 dated 19-02-2015 and joined his duties on 09-03-2015, who was later deployed at Primary School, Nowara for the period from 10-04-2016 to 30-11-2016. Thereafter, he was relieved with directions to rejoin his original place of posting. But, instead of joining, the applicant had applied for medical leave and remained unauthorized absent for more than 07 years. In view of the aforesaid facts, the claim of the applicant came to be considered and rejected by the Chief Education Officer, Udhampur vide Order issued under endorsement No. CEOU/Legal/26343-46 dated 01-08-2025; and

Whereas, pursuant to the same, the applicant has submitted a representation before the authorities, contending that his medical condition and the supporting records were not duly considered by the CEO, Udhampur, while rejecting his case. He further submits that he had applied for medical leave due to severe health issues, however, the said leave was neither sanctioned nor rejected with reasons and no termination order had been issued against him prior to submitting his rejoining application; and

Whereas, based on the said representations, the matter was re-examined and vide this office communication No. DSEJ/Legal/(C.No. 7669782)/52470-71 dated 29.10.2025, the following clarifications were sought from the Chief Education Officer, Udhampur:-

- i. Whether any notice for resumption of duties or taking action against the applicant for his unauthorized absence has been issued by the authorities concerned and the acknowledgement of the said notice if any by the applicant.**
- ii. Whether any departmental action in the matter has been taken against the applicant or the matter has been taken up with the higher authorities in this regard.**
- iii. Provide the authentication of the medical certificate/ form 4 submitted by the applicant from the issuing authority.**

Whereas, in response to the said letter, the Chief Education Officer, Udhampur, vide letter No.CEOU/Legal/55273 dated 20-11-2025, submitted that a detailed report was sought from the Zonal Education Officer. Panchari, vide office letter dated 01-11-2025, who vide letter No. ZEOP/1685 dated 12-11-2025 reported that the applicant, pursuant to submitting his re-joining as ReT, at Primary School, Sansar, had applied for leave w.e.f. 01-03-2017 onwards and as per official records, no notice for resumption of duties had been served to the applicant. Taking note of the said infirmity along with the medical certificate submitted by the applicant and considering the totality of facts and circumstances of the case, the matter was referred to the Administrative Department, who vide communication No Edu-LGL0Jmu(CAT)/2023/2025-01(7664537) dated 16-02-2026 has conveyed the following advice:-

“Returned: As per the subject matter of the case pertains to ReT, the same is well within the competence of the Directorate of School Education, being HOD/ Competent Authority for the purpose, which may take a considered view in the matter as per the relevant rules and pass a speaking order accordingly.”



Whereas, as per the available records and the latest report dated 20.11.2025 submitted by the Chief Education Officer, Udhampur, which is based on the report of the Zonal Education Officer, Panchari, the applicant was initially appointed as a ReT vide Director School Education, Jammu Order No. DSEJ/RET/2532 dated 14.02.2015 followed by Chief Education Officer, Udhampur Order No CEOU/SSA/29667-71 dated 16.02.2015 and ZEO Panchari Order No. ZEO/P/RET/SSA/2642-44 dated 19.02.2015, and joined the school on 09.03.2015. Thereafter, he was deployed to PS Nowara vide Order No. ZEOPP/P/454-55 dated 16.04.2016 and attended Primary School, Nowara from 19.04.2016 to 30.11.2016, from where he was relieved to join his original place of posting and instead of joining his original place of engagement/posting, he applied for leave on 01.03.2017. However, no record is available in the office of the ZEO to indicate that any show cause notice was issued or that any opportunity of hearing was provided to the applicant with regard to his subsequent absence; and

Whereas, in terms of Government Order No. 230-Edu of 2007 dated 27-06-2007, Rehbar-e-Taleem Teachers are entitled to sanctioned leave, including leave without honorarium on account of serious illness, and such leave shall not constitute a break in continuous engagement. Further Rule-5 of the J&K Leave of Absence to Rehbar-e-Taleem Rules, 2007, clearly mandates that no adverse action, including termination, shall be taken without affording a reasonable opportunity of being heard, and whereas, in the present case, the admitted absence of any notice or opportunity of hearing renders any adverse presumption legally unsustainable; and

Whereas, as per Article 128 of the J&K Civil Services Regulations, which governs cases of overstaying of leave or absence without leave, there is no provision for automatic termination of service and the said Article incorporates the principles of natural justice by requiring due consideration of the circumstances leading to such absence and whereas, in cases where the absence is on account of ill health, the provision requires submission of a certificate from a Medical Officer and not that of Medical Board as relied by the CEO, Udhampur, and

Whereas, otherwise also, prolonged absence cannot by itself be treated as abandonment of service without following required procedures such as issuing a show cause notice and giving an opportunity of hearing, which were not followed in this case and therefore, the rejection order issued by the CEO Udhampur is procedurally wrong and against natural justice and having been passed without following the mandate of Article 128 of the J&K Civil Services Regulations in its true spirit; and



Whereas, it is further observed that there has been administrative inaction and delay on the part of the concerned authorities/officers in neither deciding the leave application of the applicant nor initiating timely and appropriate action regarding the applicants resumption of duties, which cannot be attributed to the applicant. It is a settled principle of law that an employee cannot be made to suffer on account of lapses or omissions on the part of the authorities, particularly where the employee has acted bonafide and submitted relevant material such as medical records in support of his claim

Now, therefore, in view of the above facts and circumstances and in compliance with the order dated 20.03.2025 passed by the Hon'ble Central Administrative Tribunal in O.A. No. 319/2025 titled Ranjit Kumar V/s. U.T. of J&K and Others, followed by the instructions received from the Administrative Department vide communication No. Edu-LGL0Jmu(CAT)/2023/2025-01 (7664537) dated 16.02 2026, the case of the applicant has been reconsidered. Upon such reconsideration, it has been observed that the rejection order issued by the Chief Education Officer, Udhampur, is not in consonance with the facts and circumstances of the case nor with the mandate of the rules governing the field. Accordingly, the Chief Education Officer, Udhampur, is hereby directed to permit the applicant to resume his duties as a Rehbar-e-Taleem Teacher at his original place of posting i.e., Primary School, Sansar, Zone Panchari. The period of absence of applicant from 01.03.2017 to 03.11.2024 shall be treated as dies non, without prejudice to the applicants entitlement to leave, if any, due in terms of Government Order No. 230-Edu of 2007 dated 27.06.2007 and the period from 04.11.2024 onwards shall be treated as on duty on a notional basis, solely for the limited purpose of reckoning qualifying service for regularization, without any financial implications or monetary benefits for the said period.

Sd/-

(Dr. Naseem Javaid Chowdhary), JKAS
Director School Education,
Jammu

No:DSEJ/Legal/(7669782)/ 25106-11

Dated: 12/05/2026

Copy to the:

1. Commissioner/ Secretary to the Government School Education Department for information.
2. Joint Director (Udhampur/Reasi) Range, School Education for information.
3. Personnel Officer, Directorate of School Education, Jammu for information.
4. Chief Education Officer, Udhampur for information and necessary action.
5. Sh. Ranjit Kumar (Applicant) for information.
6. In-charge website.

(Waseem Shoket Butt)
Additional Secretary (Law)
Directorate of School Education
Jammu