



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

Subject: - T.A. No. 6409/2021 (SWP No. 2082/2011) titled Inderjeet Singh V/s State & Others.

Order No. 172 DSEJ of 2026

Dated: 14/05/2026

Whereas, vide Order No. SSB/SS/152/94 dated 31-01-1994, the applicant, namely Inderjeet Singh (Retired Chauffeur), was initially appointed as Driver (Divisional Cadre Jammu). Pursuant thereto, he approached the Principal, State Institute of Education, Jammu, on 12-02-1994 and again on 14-02-1994 for joining his duties as Driver. However, he was not permitted to join the service at that point in time by the Principal, State Institute of Education, Jammu; **and**

Whereas, feeling aggrieved against same, the applicant has approached the Hon'ble Court by way of filing a service writ petition and pursuant to the order dated 01.05.1995, passed by the Hon'ble High Court, he was allowed to joined against the post of Driver in the office of Principal, State Institute of Education, Jammu; **and**

Whereas, meanwhile, the applicant, namely Inderjeet Singh, again approached the Hon'ble High Court by filing SWP No. 2585/2000, wherein the petitioner sought promotion to the post of Driver Grade-I under SRO-28 of 1996 by reckoning his date of joining as 12-02-1994 instead of 01-05-1994. The Hon'ble High Court disposed of the aforesaid writ petition on 16-08-2004, directing the respondents to consider the claim of the petitioner for promotion in terms of SRO-28 of 1996; **and**

Whereas, the Departmental Promotion Committee, in its meeting convened on 21-01-2006, approved the placement of Sh. Romesh Chander

and Sh. Inderjit Singh (applicant) in the next higher grade in the pay scale of Rs. 4000-6000, vide Order No. DSEJ/GEN/Prom./4239-42 dated 25-02-2006; **and**

Whereas, thereafter, the applicant filed another writ petition bearing SWP No. 600/2007, wherein he prayed that his date of initial appointment be considered as 12-02-1994 for the purpose of determining his seniority and grade. During the course of proceedings, the Hon'ble High Court was informed, through a communication submitted by the Deputy Advocate General, that the Education Department would reconsider the petitioners claim regarding seniority and grade, if found eligible, in accordance with the applicable rules. Accordingly, the writ petition was disposed of on 05-03-2009 on the basis of the said statement; **and**

Whereas, upon reconsideration of the claim raised by the applicant, it was found that the petitioner/ applicant was not eligible for promotion to the post of Driver Grade-I with effect from 12-02-1999, as he had not completed the mandatory minimum period of five years service in the prescribed pay scale of Rs. 950-1500, as required under SRO-28 of 1996. Consequently, the claim of the applicant for seniority and promotion was rejected vide Order No. DSEJ/Legal/8458-59 dated 02-09-2011, on the ground that he had neither completed the requisite five years of service in the pay scale of Rs. 950-1500 in terms of SRO-28 of 1996 dated 25-01-1996, nor was he in service at the time he claimed eligibility for such promotion; **and**

Whereas, feeling aggrieved against the said Order No. DSEJ/Legal/8458-59 dated 02.09.2011, the applicant namely Inderjeet Singh has again approached the Hon'ble High Court by way of filing writ petition bearing SWP No. 2082/2011 titled Inderjeet Singh V/s State of J&K and others, wherein, prayed for the following relief:-

- a) Allow the present writ petition.
- b) Quash Communication issued vide No. DSEJ/Legal/8458-59 dated 02.09.2011 under the signatures of respondent No. 2, by the medium of which, after providing factually incorrect information, the claim of the petitioner for promotion to driver (Grade-I) w.e.f. 12.02.1999 after the petitioner completed his five years of service in

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the pay scale of 950-1500 in terms of SRO 28 of 1996 dated 25.01.1996 was rejected without any cogent reason.

c) Quash up-dated seniority list dated 08-07-2010, by the medium of which, after wrongly reckoning the seniority of the petitioner w.e.f. 01-05-1994 instead of w.e.f. 12-02-1999 the petitioner's name was place below the name of respondent No. 4.

d) command and direct the respondents to reckon the seniority of the petitioner as Driver w.e.f. 12.02.1994 over and above respondent No. 4 in view of the stand taken by respondent Nos. 2 & 3 in their inter se Communication dated 14-01-2011, (Annexure U); dated 17-01-2011 (Annexure-V); dated 04-03- 2011 (Annexure-W) and dated 25-03-2011 (Annexure-X) read conjointly.

e) Command and direct the respondents to promote the petitioner substantively to the Driver (grade-I) w.e.f. 12.02.1999, (under SRO 28 of 1996) the date the petitioner had completed is five years of service.

f) ANY other alternate relief which this Hon'ble Court may deer fit or proper in the facts and circumstances of the case be granted in favour of the petitioner and against the respondents."

Whereas, after the re-organization of State of Jammu and Kashmir into Union Territory of Jammu & Kashmir and Ladakh, the instant case has been transferred to Hon'ble CAT, Jammu Bench, Jammu and re-numbered as Transferred Application No. 6409/2021; and

Whereas, during the pendency of writ petition, the updated seniority list of section officer, Head Assistants and Chauffer/ Drivers of school Education Department of Jammu division were uploaded on the official website vide this office Notification No. DSEJ/NG/NT/2021/42938-53 dated 04-01-2022, and the name of the applicant namely Inderjeet Singh, SCERT, Jammu stands at S. No. 03 having Date of Birth 06-06-1964 and date of 1st Appointment as 01-05-1994, having General category and in pursuance to the decision of DPC held on dated 18.11.2022, vide Order No. 671-DSEJ of 2022 dated 26.12.2022 applicant namely Inderjeet Singh, Driver, SCERT, Jammu and one Abdul Rashid Mir, Driver, SCERT Jammu were promoted as Chauffeurs in pursuant to the provision of SRO-297 dated 06.07.2018 and accordingly, applicant was adjusted in the office



of CEO, Kathua against an available vacant post. Subsequently, retired from the active service on 30-06-2024; **and**

Whereas, the meeting of Departmental Promotion Committee was convened on 18-11-2022 and prior to this one Romesh Chander, Ex-Driver having D.O.B 10-02-1962 was retired from the active service on 28-02-2022 as Driver only; **and**

Whereas, the Hon'ble CAT vide order dated 11.02.2025 has been pleased to disposed of the above TA with the following order/direction:-

"i) The communication dated 02.09.2011 issued by the respondents, which rejected the petitioner's claim for promotion and seniority, is quashed. The updated seniority list dated 08.07.2010 is also quashed in so far as it wrongly reckoned the petitioner's seniority from 01.05.1994 instead of 12.02.1994.

ii) The respondents are directed to reckon the petitioner's seniority as Driver from 12.02.1994 — the date on which he was originally expected to join - and not from the later date (01.05.1994) when he was allowed to join.

iii) The respondents are further directed to promote the petitioner to Driver (Grade-I) with effect from 12.02.1999, as per the provisions of SRO 28 of 1996. This is the date by which he would have completed his five years of service had he been allowed to join promptly.

iv) The respondents are further directed to complete the whole exercise in any event not later than eight weeks from the date of receipt of the certified copy of the order."

Whereas, it is settled position of law that the seniority of an official needs to be fixed as per the merit and not as per the joining, especially in the circumstances, when the applicant has been wrongfully denied to join by the concerned principal on the wrong pretext. Furthermore, in terms of SRO 28 of 1996 he is also entitled for conversion as Driver (Grade-I) with effect from 12.02.1999 after completion of the five years as per the said SRO; **and**



Now, therefore, in the backdrop of aforementioned facts and circumstances as elaborated supra and in compliance to the order dated 11.02.2025 passed by the Hon'ble CAT in T.A. No. 6409/2021, it is hereby ordered that the applicant be treated as appointee w.e.f. 12.02.1994 for all purposes and to be treated as Driver Grade -I, w.e.f. 12.02.1999 by conferring the benefit of SRO 28 of 1996. It is further ordered that the Joint Director, SCERT (DDO) shall take appropriate action accordingly, by re-fixing the salary of the applicant and also his entitlement for first time bound in-situ promotion in terms of SRO 14 of 1996.

DSEJ/Legal/25261-67
Dated: 14 / 05 / 2026

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

Copy to:-

1. The Commissioner/Secretary to Government, School Education Department, J&K for information.
2. Joint Director, SCERT for information and necessary action.
3. Personnel Officer, Directorate of School Education Jammu for information.
4. FA/CAO, Directorate of School Education Jammu for information.
5. Applicant (Inderjeet Singh) for information.
6. In-charge Website.
7. Office file.