

**Government of Jammu and Kashmir**  
**Jal Shakti Department**  
**J&K Civil Secretariat, Jammu/Srinagar.**

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**Subject:** Contempt No. 89/2008 in SWP No. 752/2005 titled Sanjeev Thappa Vs A.K. Angurana & Others.

**Government Order No. 78-JK(JSD) of 2024**

**Dated: - 27-03-2024**

1. Whereas, Sh. Sanjeev Thappa filed a writ petition bearing SWP No. 752/2005 before the Hon'ble High Court at Jammu, wherein the petitioner sought relief for his appointment in terms of the selection list issued by the J&K Services Selection Board (JKSSB) vide No. SSB/Sel/Secy/788-90/94 dated 03.12.2004 for the post of Junior Engineer (Chemical), which was advertised vide No.3/1997 dated 29.04.1997 by the JKSSB; and
2. Whereas, Hon'ble High Court, while considering the case of the petitioner, disposed of the same vide Judgment dated 16.05.2008, the relevant portion of which reads as under:

**“In view of the matter, this writ petition is disposed of with a direction to the respondents to issue appointment orders in favor of the petitioner within a period of four weeks from today and the State, in the meantime, may effect amendments in the relevant rules. The petitioner’s appointment shall date back to the time when the other selected candidates were appointed, though notionally without any pecuniary benefits, but for the purposes of seniority alone. Connected CMPs shall also stand disposed of.”**

3. Whereas, pursuant to the said directions passed by the Hon'ble High Court and on consideration of the same vide Government Order No.421-PW(Hyd) 2008 dated 28.11.2008, was issued whereby the petitioner was appointed as Junior Engineer (Chemical) and his appointment was given notional effect from 01.08.2007 without any pecuniary benefits, but for the purposes of seniority alone i.e, the date when the two selected candidates namely Shri Jan Masood Ahmad and Shri Urgain Nurboo were appointed as Junior Engineer (Chemical) vide Government Order 220-PW(Hyd) of 2007 dated 01.08.2007 in pursuance to the selection list issued by JKSSB vide no SSB/Sel/Secy/06/8809-13/06 dated 02.08.2006; and
4. Whereas the petitioner filed another writ petition bearing SWP No. 1579/2011 titled Sanjeev Tappa & Anr Vs State of J&K & others and sought directions to direct the respondents to fix the seniority of the petitioners as Junior Engineers appropriately in the order of seniority amongst other Junior Engineers (Civil) in the Department. While considering the matter on 16.08.2011, Hon'ble High Court, passed the following interim direction, which is reproduced as under:

**“The CMP is disposed of by directing the respondents to consider the representation of the petitioners while keeping in view the averments contained in the writ petition, read with the rules, SRO, and order occupying the field.”**

5. Whereas, in pursuance to the directions passed, and on examination of the

matter the claim of the petitioners was considered vide Government Order No. 155-PW (Hyd) of 2012 dated 24.04.2012, and the name of the petitioners was included in the Seniority List of Junior Engineers (Civil) Degree Holders from the date of their initial appointment as such at the appropriate place; and

6. Whereas, the petitioner filed supplementary affidavit in contempt petition bearing No. CPSW 89/2008 before the Hon'ble High Court with the prayer that the Judgment dated 16.05.2008 was partly implemented; and

7. Whereas, the department has submitted the file to Department of Law Justice and Parliamentary Affairs for concurrence in the matter and the Law Department conveyed on 27.05.2023 its concurrence to departmental proposal to, ***“fix the seniority of the petitioner date back to the time when the other selected candidates were appointed, though notionally without any pecuniary benefits, but for the purposes of seniority alone”***.

8. Whereas, the matter was considered in the department in light of the orders passed in contempt petition with due deference to the orders passed by the Hon'ble Court, the seniority of the petitioner was fixed at Seniority No. 541-A (among Degree Holder) ahead of Junior Engineers (Chemical) appointed vide Government Order 220-PW (Hyd) of 2007 dated 01.08.2007 i.e above Shri Jan Masood Ahmad (Seniority No. 542) and Shri Urgain Nurboo (Seniority No 543) in the final seniority list of Junior Engineers (Degree Holders), notified vide Govt. Order No. 29-PW (Hyd) of 2017 dated 17.01.2017 as it stood on 01.01.2015 vide Order No. 117-JK(JSD) of 2023 dated 28.05.2023 and filed a compliance report before the Hon'ble High Court; and

9. Whereas, Hon'ble High Court of J&K vide order dated 09.08.2023 passed in CPSW No. 89/2008 rejected the compliance report and has issued following directions, as under: -

**"In view of this, one last and final opportunity of four weeks is granted to the respondents to comply with the judgment passed by this Court, failing which, Commissioner Cum Secretary to Government, PHE Department, Civil Secretariat, Srinagar shall remain present in person before the Court on the next date of hearing.**

**List on 15.09.2023."**

10. Whereas, the Hon'ble High Court at Jammu vide order dated 23.02.2024 passed the following direction in CPSW No. 89/2008 as under: -

**"In terms of order dated 09.08.2023 passed by this Court, the compliance report filed by the respondents stands rejected and they were directed to file a fresh compliance report in consonance with the judgment of the writ court.**

**Despite availing a number of opportunities, the respondents have not filed any compliance report.**

**In views of the about let a notice be issued to the Commissioner Secretary to Government, Jal Shakti Department, Civil Secretariat, Srinagar Jammu asking him to explain as to why contempt proceedings be not initiated against him**

**A copy of this order be sent to the Commissioner Secretary to**

**Government, Jal Shakti Department through Mr. Amit Gupta, AAG**

**Be listed on 27.03.2024."**

11. Now, therefore, the matter has been re-considered in the department in light of the aforementioned orders passed in Contempt Petition with due deference to the orders passed by the Hon'ble High Court and in-supersession of Government Order No.421-PW (Hyd) of 2008 dated 28.11.2008, Shri Sanjeev Thapa (SC) (Petitioner) shall be deemed to have been appointed as Junior Engineer (Chemical) with effect from 03.12.2004 (i.e. from the date selection list of the petitioner has been received from J&K Service Selection Board), on notional basis without any pecuniary benefits but for the purpose of seniority only and on regular basis with effect from 28.11.2008 i.e. the date the Petitioner appointed as Junior Engineer (Chemical) in compliance of the Hon'ble High Court order dated 16.05.2008 passed in SWP No. 752/2005.

**By Order of the Government of Jammu and Kashmir**


Sd/-  
(Shaleen Kabra) IAS  
**Financial Commissioner (Additional Chief Secretary)**  
**Jal Shakti Department**

NO: JSD-LS02(1)/80/2022-Legal-JSD (C No. 143549)

Dated: -27.03.2024

Copy to the-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Electoral Officer, J&K.
3. Commissioner/ Secretary to the Government, General Administration Department.
4. Chief Engineer, Jal Shakti (PHE) Department, Jammu for information and necessary action.
5. Ld. Additional Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble Court.
6. OSD to Advisor(B) to the Hon'ble Lieutenant Governor, J&K.
7. Senior Law Officer, Jal Shakti Department
8. Private Secretary to the Financial Commissioner (ACS) Jal Shakti Department for information of the Secretary.
9. Petitioner.
10. I/c website, Jal Shakti Department.
11. Government order file.

  
(Sunahajan) IAS  
Under Secretary to the Government  
Jal Shakti Department