

JSD-LS02(1)/343/2023-Legal-I/381983/2024
Government of Jammu and Kashmir
Jal Shakti Department
J&K Civil Secretariat, Jammu/Srinagar

Subject:- CPSW No. 56/2018 in SWP No. 1045/2016 titled Adrees Ayaiz Dar Vs State and Ors..

Government Order No: **88**-JK(JSD) of 2024

Dated:- **29** - 04-2024

1. Whereas, Shri Adrees Ayaiz Dar (petitioner) had approached the Hon'ble Court for operation of the wait list under RBA category and while considering the plea of the petitioner, the Hon'ble Court vide its Interim Order dated 19.05.2016 in SWP No. 1045/2016 & MP No. 01/2016 directed as under:

"Petitioner claims that he figures at S.No. 5 in the Wait List of Junior Engineer (Civil) under RBA Category pursuant to Vacancy Notification No. 03 of 2012 dated 28.12.2012. This is evident from the Select List (Annexure-E)

Petitioner's grievance is that respondents are not operating the Wait List in spite of some vacancies having remained unfilled.

Meanwhile, as ad interim, subject to objections, respondent No. 3 shall accord consideration to operation of Wait List, if there is no legal impediment, take appropriate decision in this regard and inform this court along with his reply to be filed by the next date."

2. Whereas, the above said writ petition was finally disposed of by the Hon'ble Court vide its judgment dated 01.04.2017. The operative part of the judgment reads as under:

"In view of the submission made and in the facts of the case, this writ petition is disposed of with a direction to the competent authority to consider the claim of the petitioner for the post in question under the RBA category in accordance with law by a speaking order within a period of two months from the date of receipt of certified copy of this order. it is made clear that this court has not expressed any opinion on merits of the case.

Accordingly, the writ petition is disposed of."

3. Whereas, the erst-while (PHE, I&FC Department) now, Jal Shakti Department during the year 2012 had referred 115 posts of Junior Engineer (Civil) State level to J&K Services Selection Board (JKSSB) for making selection of suitable/eligible candidates in terms of J&K Engineering (Subordinate) Service Recruitment Rules, notified vide SRO 180 dated 25.05.1997, which includes 23 posts of RBA category; and
4. Whereas, JKSSB had advertised these 115 posts vide Notification No. 03 of 2012 under Item No. 104. After selection, JKSSB forwarded the select list of 112 Junior Engineer vide communication No. SSB/Secy/Sel/015/9176-82 dated 07.09.2015. Out of these selected candidates under RBA category, JKSSB had kept **unfilled** three posts as S.No. 06, 07 and 08 for want of certain clarifications and additionally, for three selected candidates under the RBA category at S.No.14,15 and 23, the board kept its recommendations **withheld** ;and
5. Whereas, on the recommendations of JKSSB, appointment orders were issued, in respect of selected candidates at that point of time; and

6. Whereas, the JKSSB vide letter dated 16.09.2015, subsequently forwarded the recommendations in respect of remaining three candidates in respect of whom the recommendations were kept withheld earlier and accordingly, among others, appointed orders were issued in their favour vide Govt. Order No. 307 –PW (Hyd) of 2015 dated 27.10.2015; and
7. Whereas, the respective Chief Engineers of Jal Shakti Department have reported that all the appointed candidates under RBA category have joined on their appointment at the respective places of posting from the relevant point of time and no vacancy accrued under RBA category for its operation of wait list at that point of time;

Now, therefore, in context of the above, the claim of the petitioner namely Mr. Adrees Ayaiz Dar S/o Ghulam Nabi Dar, figuring in the waiting list at S.No. 5 under RBA category, to operate the wait list in the RBA category, is found to be devoid of merit, and is, hence, rejected.

By Order of the Government of Jammu and Kashmir

Sd/-

(Shaleen Kabra) IAS
Financial Commissioner (ACS)
Jal Shakti Department
Dated: 29.04.2024

No. JSD-LS02(1)/343/2023-Legal-JSD (CC 7345312)

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. Ld. Additional Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble Court.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K.
6. Senior Law Officer, Jal Shakti Department.
7. Private Secretary to the Financial Commissioner (ACS) Jal Shakti Department for information of the Financial Commissioner (ACS).
8. I/c website, Jal Shakti Department.
9. **Concerned**
10. Government Order file.

(Rehmatullah)
Under Secretary to the Government
Jal Shakti Department

29.4.2024