

Government of Jammu and Kashmir
Jal Shakti Department
Civil Secretariat, Jammu/Srinagar

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

Government Order No. 117–JK (JSD) of 2023

Dated:- 28.05.2023

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 a 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. 89/2008 before the Hon'ble High Court with the prayer that the Judgment dated 16.05.2008 was partly implemented; and

7. Now, therefore, the matter has been re-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 shall be deemed to have been re-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.

By order of the Government of Jammu and Kashmir

Sd/-

(Shaleen Kabra) IAS

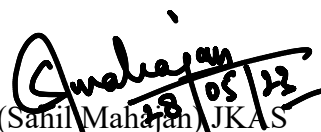
**Principal Secretary to the Government,
Jal Shakti Department**

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

Dated:-28.05.2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, Jal Shakti (PHE) Department, Jammu for information and necessary action.
3. Ld. Additional Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble Court.
4. Private Secretary to the Principal Secretary to Government Jal Shakti Department for information of the Secretary.
5. Petitioner (s).
6. I/c website, Jal Shakti Department.
7. Monday Return file (w.2.s.c).
8. Government order file.


(Sahil Mahajan) JKAS

**Under Secretary to Government,
Jal Shakti Department**