

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

Subject:- O.A. No. 62/1168/2021, titled Mudasir Mushtaq Untoo Vs U.T. Of J&K &
Others.

Government Order No. 166-JK (JSD) of 2022.

Dated:- 24 07.2022

Whereas, Sh. Mudasir Mushtaq Untoo filed application under Section 19 of the Administrative Tribunal Act, 1985 bearing O.A. No. 62/1168/2021 before the Central Administrative Tribunal, Jammu Bench, Jammu, wherein applicant has sought the following reliefs:-

- i. That the impugned Government order No. 127-JK(JSD) of 2021 dated 14.06.2021 be quashed/set aside to the extent of promoting the Juniors of the petitioner over and above his head.
 - ii. That the respondents be directed to promote the petitioner as In-charge Assistant Executive Engineer (Civil) as has been done in case of his batch mates and Juniors from the date such persons have been promoted i.e. with effect from 14.06.2021 with all consequential benefits accordingly as same shall be in the interest of Justice.
2. Whereas, the Central Administrative Tribunal at Jammu considered the case on 09.08.2021 and has passed the following directions:-

"In view of the submissions made by the learned counsel for the applicant, the O.A. is disposed off at the admission stage with a direction to the Secretary to the Government, Jal Shakti Department, U.T. of Jammu and Kashmir to consider and decide the representation of the applicant at Annexure-9 of O.A., in accordance with rules by passing a reasoned and speaking order within a period of two months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant forthwith.

3. Whereas, the case was re-examined in the Department in light of directions passed by the Central Administrative Tribunal on 09.08.2021 and it has been found that the General Administration Department (Vigilance Section) vide their O.M. No. GAD

(Vig.)04-NOC 2020-PIII, I&FC-II dated 03.09.2020 has informed that the applicant Shri Mudasir Mushtaq Untoo I/c Assistant Engineer, PHE Division, Sopore, is involved in Verification No. BK-03/2014 and ACB vide letter No.SVO-Veri-BK-03 2014-900-01 dated 19.01.2016 has recommended initiation of RDA against the Engineer, which has been forwarded to the School Education Department vide their O.M. No.GAD (Vig.) 06-RDA/2016 dated 08.03.2016 for initiation of recommended action in terms of J&K CS(CCA) rules, 1956 with the approval of the Disciplinary Authority; and

4. Whereas, the applicant approached the Department by way submitting a representation for his placement as I/c Assistant Executive Engineer Civil; and
5. Whereas, the General Administration Department vide another letter No.F-424 2020 dated 12.01.2021 addressed to ACB wherein has intimated that no PE FIR was pending against applicant, however, in the letter dated 19.08.2020 the official has been intimated to be involved in No. SVO-Veri-BK-03/2014-900-01 dated 19.01.2016. The Director, ACB J&K Jammu was requested to furnish the necessary clarification in the two contradictory reports on urgent basis; and
6. Whereas, the case was examined in the department and the matter was taken up with the School Education Department vide this department's letter dated 02.03.2021 and forwarded a copy of representation along with its enclosures received from Shri Mudasir Mushtaq Untoo I/C Assistant Engineer, PHE Division Sopore with the request to furnish the presents status of the case in verification No. BK-03/2014.
7. Whereas, the department followed by chain of reminders dated 02.08.2021, 02.11.2021, 04.03.2022, 03.06.2022, and 21.07.2022, requested the School Education Department to share the outcome of the enquiry initiated against Shri Mudasir Mushtaq Untoo I/C Assistant Engineer, PHE Division Sopore involved in Verification No. BK-03/2014 to this department without further delay. However, the same is still awaited; and

8. Whereas, the department while considering the placement of I/C AEs as I/c AEE during the year 2021, Shri Mudasir Mushtaq Untoo, I/C AE has not been placed as I/c AEE in view of his pending RDA against him in the School Education Department, however, a post of AEE (Degree Holders) and rosterpoint No. 21-OM allocable to Open category in terms of SRO-144 dated 28.05.2008 has been kept reserved for him; and
9. Whereas, the matter has been examined in light of the directions passed by the Hon'ble Central Administrative Tribunal and it is found that the claim of the petitioner cannot be considered at this stage due to the pending RDA against the applicant in the School Education Department.

Now, therefore, the claim/representation of the applicant having been considered with due deference to the order dated 09.08.2021, passed by the Central Administrative Tribunal at Jammu in O.A. No. 62/1168/2021, titled Mudasir Mushtaq Untoo Vs U.T of J&K & Ors. and has found to be bereft of any merit for the aforesaid reasons and is accordingly rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

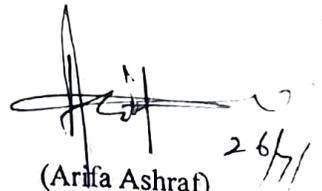
(Ashok Kumar Parmar) IAS
Principal Secretary to the Government,
Jal Shakti Department.

Dated: 26.07.2022

Computer No: 77920

Copy to the :-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Ld. Deputy Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble Tribunal.
3. Private Secretary to the Principal Secretary to the Government Jal Sahkti Department for information of the Principal Secretary.
4. PA to Additional Secretary to Government, Jal Shakti Department.
5. Applicant.
6. Incharge website Jal Shakti Department.
7. Monday Return file (w.2.s.c).
8. Government Order file.



(Arifa Ashraf)

Under Secretary to the Government,
Jal Shakti Department


26/07