

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

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**Subject:-** CPSW No. 624/2017 in SWP No. 192/2016, MP No. 01/2016, titled Sunil Dutt & others Vs M. Raju, Secy. PHE Deptt. and others.

**Government Order No. 181 -JK (JSD) of 2022.**

**Dated:- 05 -08-2022**

1. Whereas, Sh. Sunil Dutt and Others invoked writ jurisdiction of the Hon'ble High Court under Article 226 of the Constitution of India by filing a writ petition bearing SWP No. 192/2016 titled Sunil Dutt & Others Vs State of J&K and Others at Jammu wherein petitioners prayed as under:-

- a) An appropriate writ order or direction in the nature of writ of mandamus commanding the respondents to appoint the petitioners as Gauge Reader in view the petitioners having been provided requisite training by the respondent No. 3 being fully eligible and qualified to be appointed as Gauge reader in the Irrigation and Flood Control Department.
- b) An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to fill up the 79 vacant post of Gauge Reader in the Irrigation Department from amongst the petitioners, who had successfully qualified the training provided to them by the respondent No. 3

2. Whereas, the Hon'ble High Court while considering the case of the petitioners on 06.02.2017 disposed off the writ petition with the following directions, the operative part of which reads as under:-

**"In view of the aforesaid submissions and in the facts of the case, this writ petition is disposed off with a direction to the respondent No.1 to consider the claim of the petitioner by passing a speaking order within a period of two months from the date of receipt of a certified copy of the order passed today. It is made clear that this Court has not expressed any opinion on merits of the claims of the petitioners.**

**Accordingly the writ petition is disposed off."**

3. Whereas, the case was examined in the Department in light of the directions passed by the Hon'ble High Court and it has been found that the Department has a set well defined procedure for appointment of Gauge Reader and Patwaries in the department. However, the Department used to attach educated youths in the Department in order to train them for a period of six months. After six months of attachment the departmental Patwaries used to give certificate to such attached un-employed youths/employees to be eligible for patwari examination. This Practice was also adopted for other private candidates and the petitioners being private candidates were also trained by the department has no footing for their absorption in the department and pertinently no such commitment for appointment on the basis of training imparted by the department; and
4. Whereas, the recruitment of Non-gazatted posts in the Department is governed by the Jammu and Kashmir Engineering Subordinate Services Recruitment Rules 1997 notified vide SRO-180 of 1997 dated 26<sup>th</sup> May, 1997 and for the post like Patwaries, Gauge Readers, Supervisors, Gauge coolies and Mates have not been notified in the said recruitment rules; and
5. Whereas, in view of the consistent demand made by the service employees and other candidates like petitioners, the Department vide Government Order No. 185-(PW) Hyd) of 2013 dated 16.07.2013 in order to fill up the vacancies of Patwaries and Gauge Readers, pending finalization of the Non-Gazatted Service Recruitment Rules of the Department, the method of recruitment for the post of Patwaries and Gauge Readers is reproduced as under :-

Name of the Post	Pay Band (PR)	Qualification for direct recruitment	Method of recruitment
Patwari	Rs. 4000-6000 (PR) 5200-20200-7440 GP of 2400 PR	Minimum Matric and maximum 10 <sup>+</sup> from a recognized Board of Secondary Education. Additional weightage shall be give to those having passed department examination Gauge reader course.	a. 85% by deputation from the Revenue Department. b. 15% by the promotion from gauge Readers in the pay band of Rs. 5200-2022+GP 1900 with 05 years

			having minimum qualification 10 <sup>th</sup> from the a recognized Board of School education and having passed departmental Patwari Examination having passed patwari training Course from a Government recognized institute.
Gauge Reader	Rs. 2550-3200 (PR) 4440-7440-GP of 1300 (R)	Minimum Matric and maximum 10+2 from a recognized Board of Secondary Education. Additional weightage shall be give to those having passed department examination/Gauge reader course.	100% by direct recruitment.

6. Whereas, pursuant to the Government Order No. 185-(PW) Hyd) of 2013 dated 16.07.2013 the department reserved 15% posts of Patwaris in the department for those in service Gauge Readers who have passed departmental Patwari Examination or having passed Patwari Training course from a Government recognized institutions; and
7. Whereas, the petitioners can be considered for the posts of Gauge Readers under direct recruitment only in terms of Government Order No. 185-(PW) Hyd) of 2013 dated 16.07.2013; and
8. Whereas, the claim of the petitioners regarding appointment on contractual basis as Gauge Readers has been considered and it has been found that the Department needs to finalize the Non-gazatted Recruitment Rules and till the time the above mentioned posts needs to be filled in terms of above mentioned Government Order through concerned recruiting agencies; and
9. Whereas, it has also been mentioned that vide Government Order No. 1423-GAD of 2009 dated 14.10.2009 the General Administration Department has banned all the Adhoc/Contractual Consolidated appointments as such the claim of the petitioners have not been considered.

Now, therefore, the claim of the petitioners having been considered with due deference to the order dated 06.02.2017 passed by the Hon'ble



High Court at Jammu in case SWP No. 192/2016, MP No. 01/2016, titled Sunil Dutt & Others Vs State Of J&K and Others are found to be bereft of any merit for the aforesaid reasons and is accordingly rejected.

**By order of the Government of Jammu and Kashmir.**

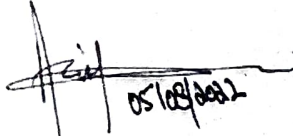
*Sd/-*  
**(Ashok Kumar Parmar)**  
Principal Secretary to the Government,  
Jal Shakti Department.

Computer No. 208751

Dated: 05-08-2022

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer. (I&FC) Jal Shakti Department, Jammur 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. PA to Additional Secretary to Government, Jal Shakti Department.
6. Petitioners.
7. Incharge website, Jal Shakti Department.
8. Monday Return file (w.2.s.c).
9. Government order file.

  
**(Arifa Ashraf)**  
Under Secretary to Government,  
Jal Shakti Department