

**GOVERNMENT OF JAMMU AND KASHMIR
JAL SHAKTI DEPARTMENT
CIVIL SECRETARIAT, JAMMU/SRINAGAR**

Subject:- O.A. No. 61/269/2022 titled Jaipal Vs UT of J&K and Ors.

**Government Order No. 188-JK (JSD) of 2024
Dated:- 09.08.2024**

Whereas, the applicant namely Shri Jai Paul filed Original Application under section 19 of the Administrative Tribunal Act 1985 before the Hon'ble CAT, Jammu Bench and has sought relief to confirm/regularize the Incharge Promotion of the applicant i.e. Incharge Executive Engineer (Civil) to substantive post of Executive Engineer (Civil) w.e.f. 01.12.2007 that is from the date the proforma respondent No. 3 has been promoted as the applicant being the similarly situated alongwith the proforma respondent No. 3."

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench while considering the matter on 28.03.2022 has disposed of the case with the following directions, and the relevant portion of which reads as under:-

".....Considering the above submissions of counsels for the parties, this O.A. is disposed of at the admission stage, without expressing any opinion on merits of the case, directing Respondent No. 1 i.e, Principal Secretary to Govt., Public Works Department (Hydraulic Wing), Civil Secretariat, Jammu to consider the pending representation of the applicant for regularization of his proforma promotion as Executive Engineer from December 2007 as per provisions of relevant applicable rules and binding instruction on the subject and decide it with a reasoned order within four weeks from date of receipt of certified copy of this order and within one week thereafter to communicate it to the applicant "

Whereas, DPC/PSC in its meeting held on 02.09.2013, among others, had cleared Shri Jai Paul for his regularization as AEE w.e.f 28.05.1997, subject to the vigilance clearance; and

Whereas, DPC in its meeting held on 23.05.2014 among others has mentioned:

Regularization of one more officer Sh Jai Paul belonging to Social Caste category has also been proposed against roster point no 10 meant for OSC category which was left vacant in the previous DPC meeting due to non production of the relevant Social Caste certificate. He has been proposed against vacant Social Caste slot of the previous proposal since he is likely to be regularized as AEE w.e.f 28-5-1997 which has been deferred for want of vigilance clearance. Moreover his likely date of regularization as Executive Engineer shall be w.e.f 1-12-2006 on notional basis and w.e.f 1-1-2007 on regular basis.



Whereas, after receipt of Vigilance Clearance, Public Service Commission vide letter No.PSC/DPC/PHE/92/2013 dated 23.07.2014, among others, conveyed approval for promotion/regularization of Shri Jai Paul, Assistant Engineer as Assistant Executive Engineer w.e.f 28.5.1997; and

Whereas, vide Government Order No. 328-PW(Hyd) of 2014 dated 26.08.2014, Shri Jai Paul was regularized as AEE w.e.f 28.5.1997, and his seniority was fixed at 124-A in the seniority list of AEEs notified vide Government Order No.328-PW(Hyd) of 2013 dated 26.11.2013; and

Whereas, the case was examined in the department, accordingly, vide this department letter dated 30.01.2023, 12.07.2023 and 04.03.2024, Agenda Note, eligibility list and all relevant documents were forwarded to J&K PSC with the request to convey the approval of the Commission to the regularization/promotion of Shri Jai Paul, AEE as Executive Engineer w.e.f 01.12.2006 on notional basis and w.e.f 01.01.2007 on regular basis, against the vacancy which were kept reserved for him, in the DPC meeting held on 23.05.2014; and

Whereas, a Preliminary Meeting on the subject was held on 27.03.2024 in the J&K Public Service Commission and vide letter No. JKPSC/1/2023-05 (7155675) dated 01.04.2024, J&K PSC has intimated that the proposal regarding regularization of Shri Jai Paul, Assistant Executive Engineer as Executive Engineer was discussed/deliberated upon the meeting in light of Minutes of DPC meeting dated 23.05.2014.

Whereas, J&K PSC intimated that the Social Caste category certificate in respect of Shri Jai Paul submitted by the department was perused and observed that the certificate has been issued on 23.01.2010 by the Tehsildar Akhnoor vide No. 1611/BC dated 21.01.2010 which is not relevant as the proposed date of regularization/promotion of Sh. Jai Paul as Executive Engineer is 01.12.2006 on notional basis and w.e.f 01.01.2007 on regular basis and was decided that the said Officer may not be considered against the Social Caste category slot due to non-production of Social Caste category certificate for the relevant period; and

Whereas, J&K PSC has requested the department for further examination of the proposal with regard to his eligibility for regularization/promotion as Executive Engineer against the Social Caste category slot in absence of valid certificate; and

Whereas, the case was again examined in the department accordingly vide this department's letter dated 08.05.2024, Chief Engineer, Irrigation & Flood Control, Jammu was requested to inform Shri Jai Paul (retired I/c Executive Engineer), S/o Sain Dass, R/o H. No.08, Sector No. 5, Pandoka Colony Paloura, Jammu (Contact No. 9419194055), to produce/furnish the Social Caste certificate of the relevant point of time, as the certificate which was issued on 23.01.2010 by the then Tehsildar Akhnoor vide No. 1611/BC dated 21.01.2010 is not relevant, to be the proposed date of his



regularization/promotion as Executive Engineer, in order to enable this department to proceed further in the matter but the requisite document has not been received and nor submitted by the applicant.

Now, therefore, the case of the applicant has been considered with due deference to the order dated 28.03.2022, passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, Jammu in O.A. No. 61/269/2022 titled Jaipal Vs UT of J&K and Ors. and has been found devoid of merit hence rejected.

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)/213/2022-Legal-JSD(C.No.183687) Dated:-09.08.2024

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, I&FC, Jammu.
3. Deputy Advocate General, CAT Bench, Jammu.
4. Director, Archives, Archaeology and Museums, J&K.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
6. Senior Law Officer, Jal Shakti Department.
7. Private Secretary to Financial Commissioner (ACS), Jal Shakti Department.
8. Concerned.
9. I/c Website.
10. Government Order file (w.2.s.c.).

(Sahil Mahajan) IAS
Under Secretary to the Government
Jal Shakti Department