

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

Subject:- TA No. 61/3706/2020 (SWP No.909/2003) titled Raj Kumar Sambyal & Ors VS UT of J&K & others.

Government Order No. 226-JK (JSD) of 2023

Dated:- 20.09.2023

1. Whereas, Shri Raj Kumar Sambyal and others, filed the SWP No. 909/2003 which was transferred to the Hon'ble Central Administrative Tribunal (TA No. 61/3706/2020) wherein the petitioner has sought quashing of impugned seniority list issued vide Govt. Order No. 371-Works of 2002 dated 23.7.2002 to the extent it excludes the names of the petitioners and to include the names of the petitioner in the final seniority list at appropriate place on the quota of the posts of Assistant Engineers meant for the Schedule Caste category in accordance with the Reservation Rules, contained in SRO 126 of 1994 and on the analogy of principle adopted at the time of the issuance of the Govt. Order i.e Govt Order No 80 Hyd of 1998 dated 10.11.98, with the further directions to the respondents to consider the case of the petitioner for promotion to the post of AEE on the analogy of Govt. Order No. 23-Works of 2002 dated 11.10.2002; and

2. Whereas, the Hon'ble Central Administrative Tribunal disposed of the case vide order dated 17.12.2020, the operative portion of which reads as under:-

"Even from a perusal of the Writ Petition, it is evident that the applicants are working in the post of AE, only on adhoc basis. It is only the AEs, who are appointed or promoted on regular basis, that would find place in the final seniority list. Further, 18 years have elapsed ever since the Writ Petition was filed. It is not known as to what developments have taken place over the period, as regards the service of the applicants. At this length of time, the question of interfering with the seniority list dated 23.07.2002, does not arise. Further, the affected persons were also not made parties. It is, however, directed that in case, the applicants are promoted to the post of AE on regular basis, their names shall be included in the seniority list at the appropriate places.

The TA is disposed of accordingly."

3. Whereas, as per records, the petitioners were initially appointed as Junior Engineers under Schedule Caste (SC) category on 08.03.1988; and

4. Whereas, the details of placements/ confirmation of these petitioners are given as under:-

S. No	Name of the officer S/shri	Date of appointment as JE	Date of placement as I/c AE	Date of regularization as AE	Date of placement as I/c AEE	Date of placement as I/c Executive Engineers
1.	Raj Kumar Sambyal	08.03.1988	24.07.1992	28.12.2001	18.01.2005 under reserved category	15.07.2011 under reserved category
2.	Daulat Ram Bhagat	08.03.1988	24.07.1992	28.12.2001	18.01.2005 under reserved category	15.07.2011 under reserved category

3.	Joginder Kumar	08.03.1988	24.07.1992	28.12.2001	18.01.2005 under reserved category	14.02.2012 under reserved category
4.	Kuldeep Kumar Kaith	08.03.1988	24.07.1992	28.12.2001	18.01.2005 under reserved category	30.08.2019 in his own seniority

5. Whereas, the names of these petitioners have also been included in the tentative seniority list of Assistant Engineers, notified vide Circular No. 04-JK (JSD) of 2023 dated 12.05.2023, at appropriate places; and

6. Whereas, the petitioners were placed as I/c Assistant Engineers, I/c Assistant Executive Engineers and I/c Executive Engineers by virtue of reservation. However, entire reservation policy is presently sub-judice and the officers could not be considered for placement to the post of Superintending Engineer at this point of time.

7. Now, therefore, representation of petitioners have been considered in light of directions of Hon'ble Central Administrative Tribunal vide orders dated 17.12.2020 in TA No. 61/3706/2020 (SWP No. 909/2003) titled Raj Kumar Sambyal & Ors Vs UT of J&K & others and has found merits no consideration, hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

Financial Commissioner (Additional Chief Secretary)

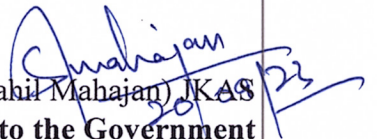
Jal Shakti Department

No. JSD-LS02(1)/487/2022-Legal-JSD (C No. 7078977)

Dated:-20.09.2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, DIQC, 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. Concerned officers.
8. Private Secretary to Financial Commissioner (ACS), Jal Shakti Department.
9. I/c Website.
10. Government Order file (w.2.s.c.).


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