

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

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Subject: - T.A. No. 62/6141/2021 titled Bashir Ahmad Wani Vs UT of J&K and Ors..

Government Order No. 284-JK (JSD) of 2023

Dated: 13-12-2023.

1. Whereas, the applicant namely Bashir Ahmad Wani filed a writ petition bearing WP (C) No. 1266/2021 and sought relief to appoint him as Gauge Reader against the available post which is fallen vacant in various Irrigation and Flood Control Division of Kashmir Division, and the said writ petition came to be transferred to Hon'ble Central administrative Tribunal bearing T.A No. 62/6141/2021; and
2. Whereas, the Hon'ble CAT, Jammu Bench, Jammu on 23.07.2022, while considering the matter disposed of the case with the following direction,-

"The applicant is seeking a similar direction as has been issued vide order dated 08.08.2018 in SWP No. 1834/2018. The relevant portion of the order is reproduced below:-

*\*03. In view of the aforesaid statement of the learned counsel for the petitioners, the writ petition is disposed with a direction to the Respondents to accord consideration to the claim of the petitioners as detailed in the writ petition, particularly Annexure-B. Needful, on part of the Respondents, to be done strictly in accordance with the law and the rules governing the field within a period of four weeks from the date the certified copy of this order along with the writ petition with all its annexures is made available to them by the petitioner."*

The T.A. is disposed of with direction to the respondents to consider and take a decision on the claim of the applicant as detailed in the T.A. as per rules and provided that the case of the applicant is not barred by period of limitation. Let this exercise be completed within two months from the date of receipt of a certified copy of this order."

3. Whereas, in pursuance to the directions passed by the Hon'ble CAT the matter was examined in the Department at various levels and it transpired that the claim of the petitioners in SWP No. 1834/2018 has already been considered by the department with regard to appointment on contractual basis as Gauge Readers, and it was found that the Department in past had put forth the proposal to General Administration Department, however, the same was not considered by the General Administration Department and it was advised that the department needs to finalize the Non Gazetted Recruitment Rules and then fill up such posts through concerned recruiting agencies. Following that the department referred the vacant posts of Gauge Readers to the recruiting agency and accordingly, the claim of the petitioners in case SWP No. 1834/2018 alongwith another connected cases were rejected vide Government order No. No. 359-PW (Hyd) of 2018 dated 24.10.2018; and

4. Whereas, further the Ministry of Home Affairs in terms of S.O 1229 (E) of 2020 and in exercise of powers conferred by section 96 of the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019) has repealed the Jammu and Kashmir Civil Services (Special provisions) Act, 2010, as a whole.

Now, therefore, the claim of the applicant has been considered with due deference to the order dated 02.07.2021 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, Jammu in TA No. 6141/2021 titled Bashir Ahmad Wani Vs UT of J&K & Others has been found devoid of any merit for the aforesaid reasons and is accordingly, rejected.

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

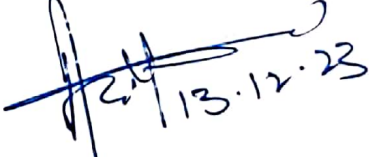
**Sd/**  
**(Shaleen Kabra) IAS**  
Financial Commissioner (ACS)  
Jal Shakti Department

No. JSD-LS02 (1)/85/2021-Legal-JSD/58032

Dated: 13.12.2023

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 Kashmir.
3. Director, Archives, Archaeology and Museums, J&K.
4. Private Secretary to Financial Commissioner (ACS), Jal Shakti Department.
5. PA to Secretary in the Jal Shakti Department.
6. Concerned.
7. Government Order file (w.2.s.c).
8. I/c Website.

  
13.12.23

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