

**Government of Jammu and Kashmir**  
**Home Department**  
Civil Secretariat, Jammu/Srinagar

**Subject : Re-fixation of the Seniority positions/review of the date(s) of promotion at the level of Sr. Prosecuting Officer and Chief Prosecuting Officers of the members of the J&K Prosecution Service.**

- Reference:(i) Order dated 16.11.2015 of the Hon'ble Division Bench in LPASW No.458/2002,  
(ii) PHQ order No. 1682 of 2019 dated 23.04.2019 regarding re-fixation of seniority position of Prosecuting Officers.  
(iii) U.O. No. Law/Opn 2/11/2021-10 dated 09.02.2022.  
(iv)U.O. No. GAD-LEG/145/2022-09-GAD dated 15.03.2022 from GAD.

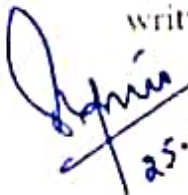
**Government Order No. 192 -Home of 2022**  
**Dated: 25.06.2022**

Whereas, vide PHQ Order No. 08 of 1993 dated 04.01.1993 & Order No.140 of 1993 dated 17.03.1993, ten (9+1) Prosecuting Officers were appointed in the J&K Police; and

2. Whereas, after completion of the training course, a tentative inter-se seniority list of the Prosecuting Officers, as it stood on 01.01.1999, was issued by the PHQ vide No. Est/Pros-3/99-10464-10520 dated 19.03.1999; and

3. Whereas, a final seniority list of Prosecuting Officers, as it stood on 01.07.1999 was issued by the PHQ vide No Est/Pros-3/25987-26063 dated 20.7.1999; and

4. Whereas, aggrieved of their position in the final seniority list mentioned above, two Prosecuting Officers namely, Shri Parshotam Lal and Shri Subash Chander approached the Hon'ble High Court of J&K at Jammu, through SWP No. 653/2001 titled *Parshotam Lal and another vs. State and others*, contending therein that Shri Riyaz Ahmad Darzi (respondent No-3 in the petition) had passed the training examination in two attempts and, as such, could not have figured as senior to the petitioners, who had passed the training examination in one go. The petitioners had, inter-alia, prayed for a direction upon the official respondents to fix the seniority of the petitioners strictly in accordance with the terms and conditions of their appointment orders i.e. on the aggregate merit obtained by the candidates in the written examination, viva-voice and final merit in the basic training course at Sheri-e-

  
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Kashmir Police Training College, Udhampur. The Hon'ble Court after considering the rival contentions of the parties, vide its order dated 20.03.2002 dismissed the writ petition alongwith the connected CMP No. 665/01, as being without any merit; and

5. Whereas, the petitioners filed a LPASW NO. 458/2002 against the order dated 20.03.2002, which was allowed by the Hon'ble Division Bench, vide its judgement dated 16.11.2015, with the following directions to the official respondents:

*"Hence the writ appeal is allowed with a direction to the official respondents to re-draw the seniority by placing the appellants above the 3<sup>rd</sup> respondent as they have passed the Basic Training Course in the first attempt and give consequential promotions according to the seniority to be re-fixed, within a period of six weeks from the date of receipt of copy of this order. However, this order shall not enable the official respondents to recover any monetary benefits already paid to the 3<sup>rd</sup> respondent pursuant to the seniority already given which was upheld by the learned single judge."*

6. Whereas, while the matter was being examined in consultation with the PHQ, the petitioners filed a contempt petition, LPA No. 23/2018 titled *Parshotam Lal and Anr vs. R.K.Goyal and Anr.* for alleged non-implementation of the judgement dated 16.11.2015 passed by the Hon'ble Division Bench at Jammu; and

7. Whereas, the PHQ in compliance of the order dated 16.11.2015 of the Hon'ble Division Bench, revised the seniority position of the petitioners and other Officers of 1993 batch, at the level of Prosecuting Officer, vide order No. 1682 of 2019 dated 23.04. 2019. The details of such revision are as under:

<b>Order of Inter-se position of the following officers in the final seniority list of Prosecuting Officers issued by the PHQ vide No. Estt/Pros-3/25987-26063 dated 20.07.1999.</b>	<b>Order of inter-se seniority position of the petitioners and other Officers of 1993 batch, at the level of Prosecuting Officer issued vide PHQ Order No.1682 of 2019 dated 23.04.2019.</b>
Reyaz Ahmad Darzi	Parshotam Lal
Parshotam Lal	Subhash Chandra
Subhash Chandra	Murtaza Nasir

  
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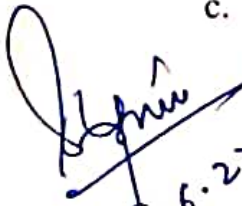
Murtaza Nasir	Reyaz Ahmad Darzi
Mahesh Kumar	Mahesh Kumar
Pawan Kumar	Pawan Kumar
Khalid Muzaffar	Khalid Muzaffar
Ishtiyaq Ahmad Bhati	Ishtiyaq Ahmad Bhati

8. Whereas, on the date of issuance of the revised order of inter-se position of the petitioners and other Officers of 1993 batch, the officers mentioned at Serial No. 1 to 4 of para 7 above were already working as incharge Deputy Directors (Prosecution); and

9. Whereas, on account of the above mentioned revision of the order of inter-se-seniority position of some of the officers at the level of Prosecuting Officer, the matter was examined in the Home Department in light of the judgement of the Hon'ble Division Bench dated 16.11.2015, in consultation with the Department of Law, Justice & Parliamentary Affairs and the General Administration Department. Upon examination, it was observed that the above revision necessitates changes in their dates of promotion and seniority positions, at the level of Senior Prosecuting Officer and Chief Prosecuting Officer.

10. Now, therefore, in compliance to the judgement of the Division Bench of the Hon'ble High Court of Jammu and Kashmir and Ladakh at Jammu in LPASW No.458/2002 dated 16.11.2015 titled *Parshotam Lal and Anr Vs. State of J&K and others* and in partial modification of the Government Order No. 280(P) of 2002 dated 30.05.2002 and Government Order No.746(P) of 2012 dated 29.08.2012, it is hereby ordered that:

- a. the seniority position at the level of the Senior Prosecuting Officer, assigned in terms of the Government Order No.280(P) of 2002 dated 30.05.2002, in respect of the officers mentioned in Annexure-A to this order, is hereby revised, as per the details given therein;
- b. the date of promotion of the Officers mentioned in the Annexure-A ibid, at the level of Senior Prosecuting Officer is hereby revised as per the dates mentioned in the Annexure-B to this Order;
- c. the seniority position at the level of Chief Prosecuting Officer, assigned in terms of the Government Order No.746-P of 2012 dated 29.08.2012, in

  
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respect of the officers mentioned in Annexure-C to this order, is hereby revised, as per the details given therein; and

- d. the date of promotion of the Officers mentioned in the Annexure-C ibid, at the level of Chief Prosecuting Officer, is hereby revised as per the dates mentioned in the Annexure-D to this order.

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

Sd/-  
(R. K. Goyal), IAS  
Financial Commissioner/  
Additional Chief Secretary

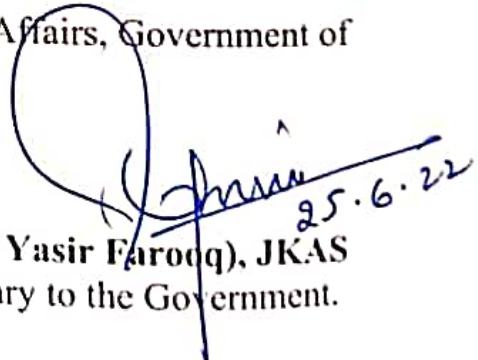
Dated: 25.06.2022

No. Home-Pros/47/2021-08-Home (CC: 48221)

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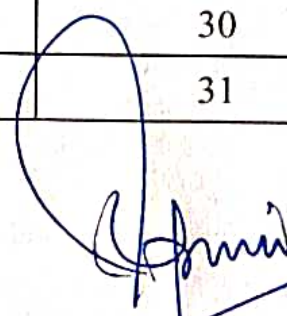
1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Principal Secretary to the Government, General Administration Department;
4. Director General of Prosecution, J&K.
5. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
6. Director Archives, Archaeology and Museums.
7. Director Prosecution, Kashmir/Jammu.
8. Concerned officers.
9. Private Secretary to the Chief Secretary, J&K.
10. Private Secretary to the Principal Secretary (Home).
11. I/c Website, Home Department.
12. Government Order file/stock file.

Copy also to the Additional Secretary (JKL), Ministry of Home Affairs, Government of India, New Delhi.

  
(Syed Yasir Farooq), JKAS  
Deputy Secretary to the Government.

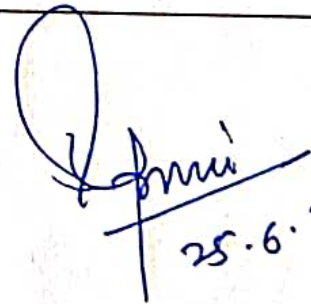
**Annexure "A" to the Government Order No.192 –Home of 2022 dated 25.06.2022**

S.No.	Name of the Officer	Seniority positions at Senior Prosecuting Officer Level as per G.O No. 280(P) of 2002 dated 30.05.2002	Revised Seniority position at the level of Senior Prosecuting Officer
1.	Mr. Parshotam Lal	28	27
2.	Mr. Marouf Ahmad Manhas	29	28
3.	Mr. Subash Chander	30	29
4.	Mr. Murtaza Nasir	31	30
5.	Mr. Reyaz Ahmad	27	31

  
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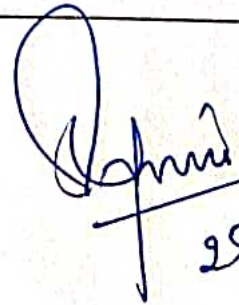
**Annexure "B" to the Government Order No.192 –Home of 2022 dated 25.06.2022**

Name of the Officer	Previous date of Promotion as Senior Prosecuting Officer.	Revised date of Promotion as Senior Prosecuting Officer	Remarks
Mr. Parshotam Lal	04.09.1998	No change	Petitioner expired on 07.05.2021
Mr. Marouf Ahmad Manhas	04.09.1998	No change	--
Mr. Subash Chander	28.05.2001	Notionally w.e.f 04.09.1998 and Regularly w.e.f 28.05.2011	From the date of promotion of his junior viz, Mr. Reyaz Ahmad Darzi.
Mr. Murtaza Nasir	28.05.2001	Notionally w.e.f 04.09.1998 and regularly w.e.f 28.05.2011	From the date of promotion of his junior viz, Mr. Reyaz Ahmad Darzi.
Mr. Reyaz Ahmad Darzi	04.09.1998	No Change	--

  
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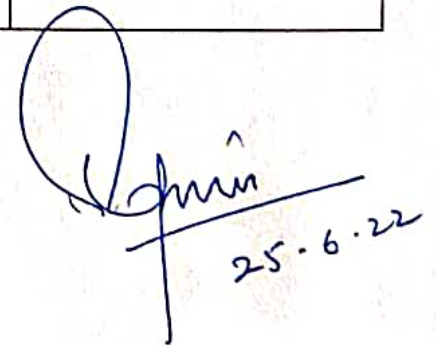
**Annexure "C" to the Government Order No.192 –Home of 2022 dated 25.06.2022**

S.No.	Name of the Officer	Seniority positions at Chief Prosecuting Officer Level as per G.O No. 746(P) of 2012 dated 29.08.2012	Revised Seniority position at the level of Chief Prosecuting Officer.
1.	Mr. Parshotam Lal	21	20
2.	Mr. Ravinder Rao	22	The revised seniority position of the officer at the level of Chief Prosecuting Officer shall be determined, in light of the judgement dated 01.11.2019 passed by the Hon'ble High Court at Srinagar in SWP No.1613/2013 titled <i>Laeeq Ahmad Dar vs. State of J&amp;K and others</i> , upheld by the Hon'ble Division Bench vide its judgement dated 20.12.2021, against which the SLP(C) No. 2945/2022 filed by the officer was dismissed by Hon'ble the Supreme Court vide its order dated 04.03.2022.
3.	Mr. Marouf Ahmad Manhas	23	22
4.	Mr. Subash Chander	24	23
5.	Mr. Murtaza Nasir	25	24
6.	Mr. Reyaz Ahmad	20	25

  
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**Annexure "D" to the Government Order No.192 –Home of 2022 dated 25.06.2022**

S.No.	Name of the Officer	Previous date of Promotion as Chief Prosecuting Officer.	Revised date of Promotion as Chief Prosecuting Officer.	Remarks
1.	Mr. Parshotam Lal.	14.07.2006	No change	Expired on 07.05.2021
2.	Mr. Ravinder Kumar Rao	14.07.2006	No change	-
3.	Mr. Marouf Ahmad Manhas	01.08.2007	Notionally w.e.f 14.07.2006 and on Regular basis w.e.f 01.08.2007	From the date of promotion of his junior viz Mr. Reyaz Ahmad Darzi
4.	Mr. Subash Chander	23.08.2007	Notionally w.e.f 14.07.2006 and on Regular basis w.e.f 23.08.2007	From the date of promotion of his junior viz Mr. Reyaz Ahmad Darzi
5.	Mr. Murtaza Nasir	01.11.2007	Notionally w.e.f 14.07.2006 and Regular basis w.e.f 01.11.2007	From the date of promotion of his junior viz Mr. Reyaz Ahmad Darzi
6.	Mr. Reyaz Ahmad Darzi	14.07.2006	No Change	---

  
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