



Government of Jammu and Kashmir  
Home Department

Subject: Cancellation of stop-gap placement of Inspector Smt. Jabeen Akhter (RBA) as Incharge Deputy Superintendent of Police – Placement of Inspector Himat Singh, as Incharge Deputy Superintendent of Police.

Ref: Letter No. Gz/G-14/DYSP/Prom/15 dated: 06.04.2015 from Director General of Police, J&K.

Government Order No: 263 -Home of 2015.  
D a t e d: 08 .07. 2015.

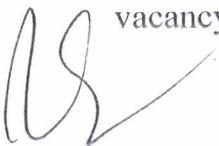
Whereas, on the basis of the proposals submitted by the Police Headquarters, vide Government Order No. Home-328 of 2014 dated: 11.07.2014, 13 Inspectors were placed as Incharge Deputy Superintendents of Police in their own pay and grade. Out of the 13 Inspectors, 08 belonged to the Open category, 4 to the RBA category and 1 to ST category. The Inspectors who were placed as Incharge Deputy Superintendents of Police under RBA category on reservation basis were Shri Mohammad Shafi (seniority position No. 239 against roster point 66), Shri Abdul Khaliq (seniority position No. 279 against roster point 76), Shri Manzoor Ahmad Dar (seniority position No. 314 against roster point 86) and Smt. Jabeen Akhter Lone (seniority position No. 317 against roster point 96) allocable to RBA in terms of SRO 144 of 2008 dated: 28.05.2008. The seniority list of the Inspectors issued by the Police Headquarters vide Order No. 1403 of 2010 dated: 08.04.2010 was operated for making these stop-gap placements; and

Whereas, Inspector Shri Himat Singh No. 4139/NGO figuring at serial No. 281 of the seniority list of Inspectors, referred to above, represented to the Police Headquarters for his promotion as Incharge Deputy Superintendent of Police on the ground that he belongs to the RBA category and that his two junior colleagues figuring at Sr. No. 314 and 317 of the seniority (belonging to RBA) have been placed as Incharge Deputy Superintendents of Police ahead of him. The said Inspector also submitted his valid RBA category certificate and documentary evidence of having submitted the same to the Police Headquarters on 20.11.2013 through the Superintendent of Police, Vigilance Organization vide communication dated 19.11.2013, where he was posted at the relevant point of time; and

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Whereas, the claim of stop-gap placement of Inspector Himat Singh as Incharge Deputy Superintendent of Police has been examined in consultation with the Police Headquarters and it has been found that Shri Himat Singh, Inspector No. 4139/NGO belonged to the RBA category. He had submitted a valid RBA category certificate in time to Police Headquarters but the latter has not taken these papers into account. The assumption of the Police Headquarters that his RBA status was not mentioned in the seniority list on account of which he could not be recommended for promotion as I/c Dy. S.P. is not tenable for the reasons that it was the responsibility of the Police Headquarters to update the seniority list of Inspectors and mention the appropriate category against the name of the Inspector, non-reflection of category status would not in any manner deprive him of the benefit of reservation provided he had a valid category certificate and was otherwise eligible for promotion as per the recruitment rules of the J&K Police (Gazetted) Service; and

Whereas, in terms of the Jammu and Kashmir Police (Gazetted) Service Recruitment Rules, 2002, an Inspector (Executive) with five years substantive service is eligible for promotion as DySP. Inspector Himat Singh has been promoted as Inspector on 19.07.2005 and has thus acquired eligibility for promotion as Deputy Superintendent of Police w.e.f. 19.07.2010. His integrity has been certified by the DGP and he is clear from Vigilance angle. Since the eligibility conditions are satisfied and for being senior to two Inspectors belonging to RBA category, namely, Shri Manzoor Ahmad Dar (seniority position No. 314 placed as Incharge Dy. Superintendent of Police against roster point 86) and Smt. Jabeen Akhter Lone (seniority position 317 placed as Incharge Deputy Superintendent of Police against roster point No. 96) in terms of SRO 144 of 2008 dated 28.05.2008, as per the eligibility in terms of seniority and reservation roster, Inspector Himat Singh would be eligible for placement as Incharge Deputy Superintendent of Police against roster point 86 which has been utilized for placement of Shri Manzoor Ahmad Dar. Since Shri Manzoor Ahmad Dar has already been placed as Incharge Deputy Superintendent of Police against roster point 86, his placement as I/c Dy S.P. would be deemed to have been made against roster point 96. As a corollary to this, Inspector Himat Singh is required to be considered for placement as Incharge DSP against roster point 86. Any adjustment if any, required in the roster may be made subsequently at the time of regularization of these Inspectors (Incharge Dy. SPs) as Dy. SPs through DPC/PSC as provided under the Jammu and Kashmir Reservation Rules, 2005. Consequent upon this, the stop gap placement of Smt. Jabeen Akhter as Incharge Dy. SP would be liable to cancellation as there is no vacancy of Dy. SP available under promotion quota or roster point



allocable to RBA to accommodate her either on seniority or on reservation basis at this stage.

Now, therefore, sanction is hereby accorded to the cancellation of the stop gap placement of Smt. Jabeen Akhter (RBA), Inspector No.3995/NGO as Incharge DySP ordered vide Government order No. Home-328 of 2014 dated: 11.07.2014.

Consequent upon the above, sanction is accorded to the placement of Shri Himat Singh, Inspector No. 4139/NGO as Incharge Deputy Superintendent of Police {against roster No. 86 (RBA) in terms of SRO 144 of 2008 dated: 28.05.2008}, in his own pay and grade with the benefit of charge allowance as admissible under rules for a period of six months or till the post is filled up on the regular basis on the recommendations of the DPC/PSC whichever is earlier. This arrangement shall not confer any preferential right on the officer for promotion which shall be made strictly in accordance with the Jammu and Kashmir Police (Gazetted) Service Recruitment Rules, 2002. This arrangement shall also be subject to the outcome of writ petition(s) if any, pending consideration before any competent court(s) of law.

By order of the Government of Jammu and Kashmir.

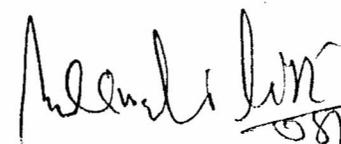
Sd/-  
(R.K.Goyal) IAS  
Principal Secretary to Government  
Home Department

No; Home/PB-I/Gaz/258/2000

Dated: 08.07.2015.

Copy to: -

1. Principal Secretary to the Hon'ble Chief Minister.
2. Director General of Police, J&K.
3. OSD to Hon'ble Deputy Chief Minister.
4. Concerned Officers.
5. Pvt. Secretary to Principal Secretary to Government, Home Department.
6. I/c Website, Home Department.
7. Government Order file/Stock file.

  
(Mohammad Yaqoob Malik)  
Under Secretary to Government  
Home Department