



Government of Jammu and Kashmir
Civil Secretariat, Home Department

Subject: - Order dated 15.03.2016 passed by the Hon'ble High Court at Jammu in LPA SW No. 19/2016 tilted Jabeen Akther Lone Vs State of J&K and others --- Representation of Smt. Jabeen Akther Lone, Inspector Wife of Shri Fazil Hussain R/o Village Hayatpura, District Rajouri for placement/promotion as I/ C DySP.

Government Order No. 361 - Home of 2016
Dated: -28 .06.2016

Whereas, vide Government Order No. Home-328 of 2014 dated 11.07.2014, among others, Smt. Jabeen Akther Lone, (RBA) Inspector was placed as I/ C DySP (Executive) in her own pay and grade with benefit of charge allowance as admissible under rules for a period of six months or till the post is filled up on regular basis on the recommendations of DPC/PSC, whichever is earlier; and

Whereas, Inspector Shri Himat Singh No. 4139/NGO represented against the placement of Smt. Jabeen Akther Lone as I/C DySP from RBA category for being senior to her in the category of Inspectors, both under reservation and on seniority basis; and

Whereas, vide Government Order 263-Home of 2015 dated 08.07.2015, the stop-gap placement of Smt. Jabeen Akther (RBA), Inspector No.3995/NGO as Incharge DySP ordered vide Government order No. Home-328 of 2014 dated: 11.07.2014 was cancelled. Consequent to this, Shri Himat Singh, Inspector No. 4139/NGO was placed as Incharge Deputy Superintendent of Police {against roster point 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 a regular basis on the recommendations of the DPC/PSC whichever is earlier; and

Whereas, Smt. Jabeen Akther Lone filed SWP No. 2032/ 2015, MP No. 01/2015 titled Jabeen Akther Lone VS State of J&K and other, challenging the Govt. Order No 263- Home of 2015 dated 08.07.2015 to the extent it related to the cancellation of her placement as I/ C DySP and placement of Shri Himat Singh as I/ C DySP; and

Jan
LB

Whereas, the Hon'ble High Court of J&K, Jammu vide its order dated 23.12.2016 disposed of SWP No.2032/ 2015 MP No's 01/2015 and 02/2015 titled Jabeen Akther Lone Vs State and other with the following observations:-

“Petitioner's claim to reservation in the promotions made after promotion order dated 11.07.2014 (supra) is not relatable to claim of respondent No. 5 and she can independently put forth her claim to any such right, it has been denied to her, before the competent authority (ies).

For all said that discussed above, this writ petition has no merit and it, therefore, dismissed.

Disposed of.”

Whereas, Smt. Jabeen Akther Lone filed LPA SW No 19/ 2016, MA No 1/ 2016 titled Jabeen Akther Lone V/s State and others, against the Order dated 23.02.2016 passed by the Hon'ble High Court of J&K, Jammu in SWP No.2032/ 2015 MP No's 01/2015 titled Jabeen Akther Lone V/s State and others; and

Whereas, the Hon'ble High Court of J&K Jammu vide its Order dated 15.03.2016 in LPASW No. 19/2016, MP No 1/2016 titled Jabeen Akther Lone Vs State of J&K and others disposed of the appeal with the following directions:-

“ -----

- 1. Learned counsel appearing for the appellant submits that even in RBA Category, vacancies are available for filling up the post of In-charge Dy.SP. If that be so, liberty is granted to the appellant to approach the 1st respondent by way of filling of representation and on receipt of such representation, 1st respondent is directed to consider the same and pass appropriate orders on merits within a period of four weeks from the date of filling of such representation.**
- 2. Appeal is dismissed with above liberty. No. Cost.”**

Whereas, Smt. Jabeen Akther Lone has submitted a representation dated 20.03.2016 to this department for her placement as I/C Dy SP as per the seniority and category, in compliance to the Order dated 15.03.2016 passed by the Hon'ble High Court in LPA SW No. 19/2016 titled Jabeen Akther Lone Vs State of J&K and others; and

Whereas, upon examination of her representation, it has been found that against the total authorized strength of 647 posts of DySPs (Executive), the number of posts under direct recruitment quota is 351 and the number of posts under promotion quota is 296 posts. Against the promotion quota, 295 DySPs

are in position as on 21.06.2016 and one post is kept reserved under Court directions, meaning thereby that there is no post of DySP available under promotion quota as on date.

Whereas, in view of the instructions of the General Administration Department conveyed vide O.M. No. GAD/MTG/RB-IV/04/2016 dated 04.03.2016, the promotions shall have to be made on the basis of seniority, and not reservation basis. Smt. Jabeen Akther Lone (RBA) Inspector can, therefore, be considered for placement as I/C DySP on the basis of her seniority, eligibility and availability of vacancy.

Now, therefore, in pursuance to the order dated 15.03.2016 passed by the Hon'ble High Court of J&K, Jammu in LPA SW No. 19/2016 tilted Jabeen Akhter Lone Vs State of J&K and others, the representation of Smt. Jabeen Akther Lone, Inspector for her placement as I/ C DySP having been considered has been found to be void of any merit and is accordingly rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

(R. K. Goyal) IAS

Principal Secretary to the Government
Home Department

No. Home/Gaz/PB- I/117/2015

Dated: - 28 .06.2016

Copy to the:-

1. Principal Secretary to Hon'ble Chief Minister, J&K.
2. Director General of Police, J&K, Srinagar.
3. OSD to Hon'ble Deputy Chief Minister, J&K, Srinagar.
4. Concerned Officer.
5. Private Secretary to Principal Secretary to Government, Home Department.
6. Incharge website, Home Department.
7. Government order file/ Stock file.

(Syed Yasir Farooq) 27 06 16

Under Secretary to the Government
Home Department

email: us.jkhome@gmail.com