

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

Subject: TA No. 61/2532/2020 in SWP No. 716/2019 titled *S. Manohar Singh Vs State of J&K and others.*

Reference: Order dated 04.02.2021 passed by the Hon'ble Central Administrative Tribunal, Bench Jammu, Jammu.

Government Order No.:108-Home of 2023

Dated: 28.02.2023

Whereas, Sh. Manohar Singh, the then SSP Jammu, was accused in FIR bearing No. 247/2009 u/s 302, 34, 201, 120-B RPC 3/25/27 Arms Act, registered in Police Station, Gandhi Nagar, Jammu, on 29.08.2009; and

2. Whereas, Sh. Manohar Singh was placed under suspension in terms of Government Order No.Home-787 (P) of 2009 dated 18.09.2009, for dereliction of duty and arrested on 27.09.2009 in the said FIR No. 247/2009; and

3. Whereas, in terms of SRO 327 of 2009 dated 20.10.2009, the Government accorded sanction for launching prosecution against Sh. Manohar Singh; and

4. Whereas, Sh. Manohar Singh remained in judicial custody for 04 years and 07 months and was released on bail by Hon'ble the Supreme Court in terms of the order dated 9th May 2014, passed in Criminal Appeal No. 1178 of 2014 (arising out of SLP (Criminal) No. 890 of 2014) titled *S. Manohar Singh vs. State of J&K and others*, subject to certain conditions; and

5. Whereas, on the recommendations of the Review Committee, vide Government Order No.389-Home of 2015 dated 08.09.2015, Sh. Manohar Singh was re-instated into service, with immediate effect and the officer retired from the service on 30.04.2019 on attaining the age of superannuation; and



6. Whereas, in the meantime, Sh. Manohar Singh filed a writ petition SWP No. 716/2019 titled *S. Manohar Singh vs. State of J&K and others*, before the Hon'ble High court, wherein he prayed for the following relief:

" It is, therefore prayed that in view of submissions made hereinabove and those to be urged at the time of arguments that the respondents may very kindly be directed to promote/induct the petitioner into IPS Cadre w.e.f 2008-09 i.e when he has been cleared for promotion by the selection committee, along with all consequential benefits i.e salary, arrears of pay and future promotion to the rank of DIG, by the issuance of writ, order or direction in the nature of mandamus.

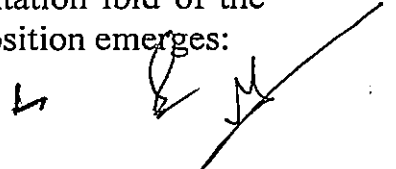
And/or to pass any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the present set of circumstances".

7. Whereas, after re-organization of State of J&K into the UT of Jammu and Kashmir and UT of Ladakh, the Hon'ble High Court vide its order dated 23.06.2020, transferred the writ petition *ibid* to the Central Administrative Tribunal Jammu Bench, Jammu which came to be registered as TA No. 61/2532/2020; and

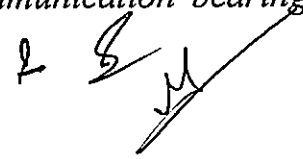
8. Whereas, in the meantime, the Hon'ble Court of 2nd Additional Session Judge, Jammu vide Judgment dated 10.08.2020 in case titled *State through SHO Police Station Gandhi Nagar, Jammu vs. Jatinder Singh & Ors*, FIR No. 247 of 2009, Police Station, Gandhi Nagar, Jammu, among others, acquitted Sh. Manohar Singh of the charges framed against him; and

9. Whereas, as per the records, the Home Department was in the process of filing a reply in the T.A *ibid*, however, the applicant namely, Sh. Manohar Singh, upon his acquittal in the trial court, filed a representation dated 20.11.2020 in the Home Department, and inter-alia requested for his induction into IPS Cadre and release of increments, arrears of pay and salary consequent to the induction into IPS cadre; and

10. Whereas, upon examination of the representation *ibid* of the applicant in light of the relevant records, the following position emerges:



- i) *in terms of the communication bearing No.Home/PB-I/6/2011 dated 15.12.2010, a proposal of eligible JKPS officers for their induction into IPS, against the Select Lists of year 2006-A, 2007, 2008 & 2009 had been forwarded to the Union Public Service Commission, New Delhi, which is the competent authority to consider such cases, wherein among others, the name of Shri Manohar Singh also figured. The Union Public Service Commission, New Delhi vide communication bearing F.No.7/7(I)/2009-AIS dated January, 2011 had forwarded the recommendations of the Selection Committee meeting held on 29.12.2010 to the State Government, wherein it was inter-alia conveyed that Shri Manohar Singh had been included in the list provisionally, subject to clearance of criminal proceedings pending against him and grant of integrity certificate by the State Government;*
- ii) *the judgment 10.08.2020 of the Hon'ble Court of 2nd Additional Sessions Judge, Jammu was examined, in consultation with the Department of Law, Justice and PA and same was decided to be assailed in appeal in the Hon'ble High Court of Jammu & Kashmir and Ladakh and accordingly, vide Government Order No. 1998-JK(LD) of 2021 dated 29.03.2021, issued by the Department of Law, Justice and PA, sanction was accorded to the filing of Criminal Acquittal Appeal. The appeal stands filed in the Hon'ble High Court bearing No. CrI. LP(D) No. 03/2021 titled UT of J&K and other vs Manohar Singh and other. The Hon'ble Court vide its order dated 08.07.2022 has, inter-alia, directed to list the matter before a Bench, after obtaining instructions from Hon'ble the Chief Justice. The matter is listed on 31.03.2023;*
- iii) *in terms of the communication bearing No.Home/GAZ/PB-I/Indu/104/2017 dated 08.06.2021, a proposal of eligible JKPS officers for induction into IPS, for the Select Lists of year 2010 to 2013 had been forwarded to the Union Public Service Commission, New Delhi, wherein the name of Shri Manohar Singh again figured in the eligibility lists. The Union Public Service Commission, New Delhi vide communication bearing*



No.7/7/2020 dated 5th August, 2021 , had forwarded the recommendations of the Selection Committee meeting held on 29.07.2021 to the UT Government, wherein, inter-alia, it was conveyed that Shri Manohar Singh had been considered as per the second proviso to Regulation 5(5) of the IPS (Appointment by Promotion) Regulations, 1955, and provisionally included in the list, subject to grant of integrity certificate by the State Government;

iv) again in terms of the communication bearing No.Home/PG/225/2021/-08 44187 dated 05.01.2023, a revised proposal of eligible JKPS officers for induction into IPS, for the Select Lists of year 2015 to 2020, has been forwarded to the Union Public Service Commission, New Delhi, wherein the name of Shri Manohar Singh, figures at Sr No.1 in the eligibility list for the year 2015.

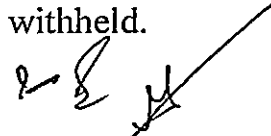
11. Whereas, in the meantime, the Hon'ble Tribunal disposed of the TA No. 61/2532/2020 in SWP No. 716/2019 vide order dated 04.02.2021, with the following observations and directions :

"...4. In view of the limited prayer made by the learned counsel for the applicant, we dispose of this T.A. with direction to the competent authority amongst the respondents to consider and decide the representation dated 20.11.2020 preferred by the applicant and pass a speaking and reasoned order on the same within a period of two months from the date of receipt of certified copy of this order. All the pending MAs are also disposed of.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no orders as to cost."

12. Whereas, the applicant could not be considered for induction into IPS due to pendency of Criminal Acquittal Appeal filed by the State in the Hon'ble High Court against the impugned judgement dated 10.08.2020 passed by the Hon'ble Court of Second Additional Sessions Judge, Jammu, due to which his Integrity Certificate has been withheld.



13. Now, therefore, in due deference of the Order dated 04.02.2021, passed by the Hon'ble Central Administrative Tribunal, Jammu in TA No. 61/2532/2020 titled *S. Manohar Singh vs. State of J&K and others*, the representation dated 20.11.2020 of the applicant stands considered, in light of the facts recorded hereinabove, relevant rules governing the subject and the recommendations of the UPSC, which has been informed of the pendency of Criminal Acquittal Appeal against the officer and non issuance of Integrity Certificate in his favour on account of pendency of above Criminal Acquittal Appeal. The induction of the retired officer into IPS will, inter-alia, depend on the outcome of the Criminal Acquittal Appeal and exhaustion of legal remedies by the Government.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Raj Kumar Goyal) IAS
Financial Commissioner/
Additional Chief Secretary

No:HOME-PG/104/2021 (CC:12390)

Dated:28.02.2023

Copy to the:

1. Director General of Police, J&K, Jammu.
2. Director Archives, Archaeology and Museums, J&K.
3. Shri Sudesh Mangotra, Ld. AAG Central Administrative Tribunal, Bench Jammu.
4. Private Secretary to the Financial Commissioner (Additional Chief Secretary) Home Department,
5. Concerned.
6. In-charge Website, Home Department.
7. Government Order file/Stock file.

Copy also to: Joint Secretary (JKL), Ministry of Home Affairs, Government of India.

Monish
28/02/2023.
(Monish Kumar) JKAS
Under Secretary to the Government
[Signature]