

Government of Jammu and Kashmir
Home Department
Civil Secretariat, J&K

Subject: Final Seniority list of the members of the Jammu and Kashmir Prosecution Service (Deputy Directors).

Government Order No. : 205 -Home of 2023

Dated : 25 .04.2023

Whereas, a tentative seniority list of Deputy Directors Prosecution of the Jammu & Kashmir Prosecution Service, as per the list forming **Annexures A & B** to Government Order No. 47-Home of 2023 dated 30.01.2023, was issued, for inviting objections to the *inter-se* seniority position assigned to them; and

Whereas, 06 representations were received within the stipulated time, which have been examined in the Home Department. The examination with reference to the issues raised in the representations, is forming **Annexure-C** to this Government order.

Now, therefore, a final seniority list of the Deputy Directors Prosecution as per the lists forming **Annexures A, B & C** to this Government order, is hereby notified for information of all concerned. This shall be without prejudice to the outcome of the writ petition(s)/O.As/Appeals, pending in any competent court(s) of law. The date of birth recorded in the seniority list shall in no manner be construed as final and shall be subject to verification from service book/date of birth certificates of the concerned officers.

By Order of the Government of Jammu and Kashmir.

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

No: HOME-Pros/88/2022-08-HOME (CC: 7097420)

Dated: 25 .04.2023

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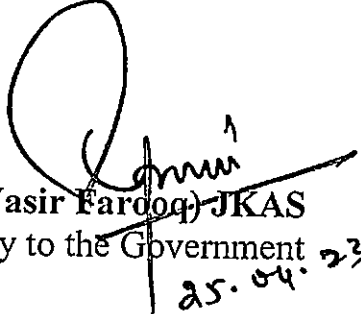
1. Director General of Prosecution, J&K.
2. Director Prosecution, Kashmir/Jammu.
3. All Joint Directors/Deputy Directors.

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4. Concerned officers.

Copy also to:

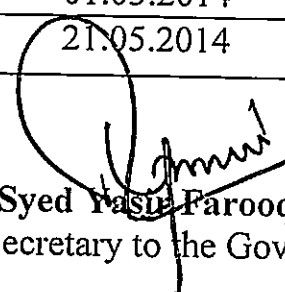
1. Learned Advocate General, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Director General of Police, J&K.
4. Joint Secretary (JKL), MHA, GoI.
5. Director Anti Corruption Bureau, J&K.
6. Commissioner/Secretary to Government, General Administration Department.
7. Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
8. Director Information and Public Relations, J&K.
9. All District Magistrates.
10. Director Archives, Archaeology and Museums.
11. Private Secretary to the Chief Secretary.
12. Private Secretary to the FC(ACS), Home Department.
13. General Manager, Government Press, Srinagar, for publication in the extraordinary issue of the Government Gazette.
14. I/c web site.
15. Government order/stock file.


(Syed Yasir Fardog) JKAS
Deputy Secretary to the Government
25.04.23

Annexure A to the Government Order No. 205 -Home of 2023
Dated:25 .04.2023

(Final Seniority List of Deputy Directors Prosecution, as it stood on 1st January, 2019)

S. No.	Name of the Deputy Directors Prosecution	Date of Birth	Date of promotion as Deputy Directors Prosecution
1.	Gulshan Ahmed Kaloo	24.04.1962	14.12.2012
2.	Ichpal Singh	10.10.1961	14.12.2012
3.	Parshotam Lal	25.01.1962	09.02.2013
4.	Maroof Ahmad Manhas	07.07.1963	17.12.2013
5.	Subash Chander Sharma	13.10.1962	17.12.2013
6.	Murtaza Nassir	01.02.1963	18.12.2013
7.	Riyaz Ahmad Darzi	03.03.1965	18.12.2013
8.	Mahesh Kumar	04.03.1963	01.03.2014
9.	Pawan Kumar Khajuria	14.10.1963	21.05.2014

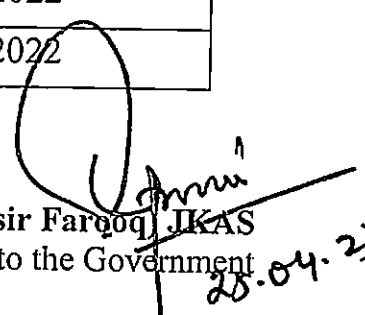

(Syed Yaseen Farooq) JKAS
Deputy Secretary to the Government

25.04.23

Annexure B to Government Order No. 205 -Home of 2023
Dated:25.04.2023

(Final Seniority List of Deputy Directors Prosecution, as it stood on 1st January, 2023)

S. No	Name of the Deputy Directors Prosecution	Date of Birth	Date of promotion as Deputy Directors Prosecution
1.	Maroof Ahmad Manhas	07.07.1963	17.12.2013
2.	Murtaza Nassir	01.02.1962	18.12.2013
3.	Riyaz Ahmad Darzi	03.03.1965	18.12.2013
4.	Mahesh Kumar	04.03.1963	01.03.2014
5.	Pawan Kumar Khajuria	14.10.1963	21.05.2014
6.	Dawood Ahmad Tota	31.03.1963	08.04.2021
7.	Inderjeet Lal	28.03.1964	08.04.2021
8.	Laeq Ahmad Dar	06.03.1967	08.04.2021
9.	Aijaz Ahmad Bhat	14.01.1966	08.04.2021
10.	Ms.Sunita Kargotra	03.10.1967	08.04.2021
11.	Qazi Abdul Qayoom	12.10.1967	08.04.2021
12.	Javid Iqbal	01.04.1964	08.04.2021
13.	Bhupinder Singh	15.09.1964	08.04.2021
14.	Mohmmad Shafi Rather	10.03.1964	08.04.2021
15.	Mushtaq Ahmad Zargar	01.03.1964	08.04.2021
16.	Ravinder Kumar	22.04.1964	08.04.2021
17.	Satish Kumar	05.01.1965	08.04.2021
18.	Peer Afaq Ahmad	15.02.1965	30.12.2022
19.	Kulbushan Sharma	10.04.1964	30.12.2022
20.	Irshad Ahmad Sheikh	31.03.1967	30.12.2022
21.	Mohd Ashraf Bakshi	24.04.1965	30.12.2022

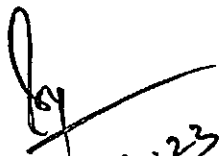

 (Syed Yasir Farooq) JKAS
 Deputy Secretary to the Government

25.04.23

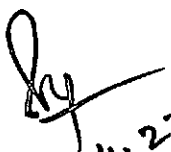
Annexure C to Government Order No.205 -Home of 2023

Dated: 25.04.2023

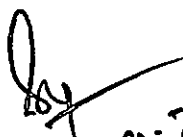
S. No.	Name of the representee (S. No. in the tentative seniority list)	Issue(s) raised	Remarks
1.	Sh. Bhupinder Singh (13 as per annexure B)	Implementation of judgment dated 08.07.2010, in SWP No. 1453/2001 titled Bhupinder Singh V/S State and others related to fixation of his seniority as Prosecuting officer on the basis of pre-dating his appointment as prosecuting officer.	<p>The representee has agitated his seniority position at the level of Prosecuting officer (initial recruitment level) at a belated stage.</p> <p>The officer who has been appointed in the year 1995 has accepted the Final seniority list of POs as framed by the Police Hqrs J&K vide No: Estt/Pros-3/99/ 25907-26063 Dated: 20-7-1999 & got promotions from time to time upto the rank of Dy Director Prosecution as on 30-12-2022.</p> <p>The PHQ J&K, which was previously administering the prosecution service at Prosecuting officer level has also not reconsidered his re-fixation of seniority at the level of Prosecuting Officer.</p> <p>The plea of the officer agitating the seniority position that has emerged based on the dates of promotion as Deputy Director Prosecution is thus devoid of any merit.</p>
2.	Sh. Mohammad Shafi Rather (14 as per annexure B)	The petitioners are seeking re-fixation of their seniority at the level of Prosecuting Officers based on the selection merit instead of the training merit on the basis of the following:	The judgment dated 31.12.2015 of Division Bench of Hon'ble High Court in LPA No. 138 of 2011 being invoked by the representing officers has not attained finality as the same stands challenged in the Hon'ble Supreme Court in SLP No. 13490-91 of 2016 titled Rohit Gupta and Anr Vs State of J&K and Ors and SLP No. 17483/2016 titled Rakesh Sambyal Vs State and Ors. The department has also filed a response in the Hon'ble Supreme Court impressing upon the importance of training in determination
3.	Sh. Peer Afaq Ahmad (18 as per annexure B)		
4.	Sh. Irshad Ahmad Sheikh (20 as per annexure B)		


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	annexure B)	<p>Judgment dated 31.12.2015 of Double Bench of Hon'ble High Court in LPA No. 138 of 2011.</p> <p>Judgment dated 07.06.2017 of the Hon'ble High Court in SWP 147/2007 titled Mohammad Shafi Rather Vs State of J&K and Ors.</p> <p>Interim direction dated 17.09.2019 of the Hon'ble High Court in SWP No. 3344 of 2019 titled Irshad Ahmad Sheikh and Others Vs State of J&K.</p> <p>Judgment dated 01.11.2019 of the Hon'ble High Court in SWP No. 1613/2013 titled Laeeq Ahmad Dar Vs State of J&K & Ors.</p>	<p>of seniority.</p> <p>Even if that be so, the above "judgment in rem" pertains to Prosecuting Officers of 1998 batch and is not applicable to these officers of 1995 batch, and not being a party in either of the petitions before Single bench or Division Bench of the Hon'ble High Court.</p> <p>The directions dated 07.06.2017 of Hon'ble High Court in SWP No. 147/2007 titled Mohammad Shafi Rather & Ors Vs State of J&K and Ors to consider the claim of petitioners in light of order dated 31.12.2015 passed by Hon'ble DB of High Court in LPA No. 138 of 2011 to refix their seniority has been complied by the PHQ vide its order 3199 of 2019 dated 21.08.2019 rejecting the claim of the petitioner/officer with detailed grounds.</p> <p>SWP No. 3344/2019 titled Irshad Ahmad Sheikh & Ors Vs State of J&K & Ors has been transferred to Ld. CAT and the matter is subjudice. The interim direction dated 17.09.2019 do not concern the re-fixation of seniority of the petitioners, but instead it was directed against official respondents to consider the claim of the petitioners for promotion to the post of Deputy Director Prosecution uninfluenced by the impugned PHQ order No. 3199 of 2019 dated 21.08.2019. Worthwhile to indicate that, the petitioners alongwith others have been promoted as Deputy Directors on substantive basis vide Government Order No. 489-Home of 2022 dated 31.12.2022.</p> <p>The judgment dated 01.11.2019 in SWP No. 1613/2013 titled Laeeq Ahmad Dar Vs State of J&K & Ors. has no</p>
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			<p>relevance as the subject matter under adjudication in the said litigation is entirely different than the plea of the representing officers. The said judgment stands implemented by the Home Department by re-fixing the seniority of petitioners and respondents alongwith other appointees, vide Government Order No. 254-Home of 2022 dated 25.07.2022.</p> <p>The seniority of the officers has been strictly determined, based on their dates of promotion as Deputy Directors Prosecution, and as such does not require any change.</p> <p>The plea of the officers for any re-fixation of the seniority is thus devoid of any merit.</p>
5.	Sh. Satish Kumar (17 as per annexure B)	Re-fixation of seniority at the level of Prosecuting Officers based on the selection merit instead of the training merit on the basis of Judgment dated 31.12.2015 of Double Bench of Hon'ble High Court in LPA 138 of 2011.	<p>The representee officer is appointee of the year 1995 & has accepted the Final seniority list of POs as framed by the Police Hqrs J&K vide No: Estt/Pros-3/99/25907-26063 Dated: 20-7-1999 & got promotions from time to time upto rank of Dy. Director Prosecution as on 30-12-2022.</p> <p>The judgment dated 31.12.2015 of Division Bench of Hon'ble High Court in LPA No. 138 of 2011 being invoked by the petitioner has not attained finality as the same stands challenged in the Hon'ble Supreme Court in SLP No. 13490-91 of 2016 titled Rohit Gupta and Anr Vs State of J&K and Ors and SLP No. 17483/2016 titled Rakesh Sambyal Vs State and Ors. The department has also filed a response in the Hon'ble Supreme Court impressing upon the importance of training in</p>


25.07.23

			<p>determination of seniority.</p> <p>Even if that be so, the above "judgment in rem" pertains to Prosecuting Officers of 1998 batch and is not applicable to these officers of 1995 batch, and not being a party in either of the petitions before Single bench or Division Bench of the Hon'ble High Court.</p> <p>The plea of the officer for any re-fixation of the seniority is thus devoid of any merit.</p>
6.	Sh. Mohammad Ashraf Bakshi (21 as per annexure B)	Re-fixation of seniority of Prosecuting Officers based on the selection merit instead of the training merit on the basis of Judgment dated 01.11.2019 of the Hon'ble High Court in SWP No. 1613/2013 titled Laeeq Ahmad Dar Vs State of J&K & Ors.	<p>The judgment dated 01.11.2019 in SWP No. 1613/2013 titled Laeeq Ahmad Dar Vs State of J&K & Ors. has no relevance as the subject matter under adjudication in the said litigation is entirely different than the plea of the officer seeking re-fixation of seniority based on the selection merit instead of the training merit. The said judgment, in which the representing officer was himself a respondent and his seniority position got adversely effected, already stands implemented by the Home Department vide Government Order No. 254-Home of 2022 dated 25.07.2022.</p> <p>Thus, there is no justification in the representation filed by the officer against the tentative seniority list of Deputy Director Prosecution.</p>


 (Syed Yasir Farooq) JKAS
 Deputy Secretary to the Government

25.04.23