

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

**Subject:** Order dated 20.03.2024, passed by the Hon'ble Central Administrative Tribunal, Jammu in OA No.1762/2022 titled Vijay Kumar v/s UT of J&K and others - reg.

**Government Order No: 221 -Home of 2024**  
**Dated: 20 .05.2024**

Whereas, Shri Vijay Kumar Jamwal (Petitioner) was initially promoted as Dy.SP w.e.f. 27.05.2003, subsequently on the basis of a provisional seniority list, as it stood on 01.03.2013, the Selection Grade of Deputy Superintendent of Police was released in his favour w.e.f 18.03.2013, in terms of Government Order No.Home-224 of 2013 dated 06.06.2013. The order was issued in the backdrop of seniority dispute at the level of Dy.SP, between Direct Recruits and Promotees and keeping in view the administrative exigencies at the relevant point of time; and

2) Whereas, in terms of Government Order No.14-Home of 2019 dated 04.12.2019, the benefit of Time Scale (6600) of NFS w.e.f 01.07.2013 was released in favour of Shri Vijay Kumar Jamwal (Petitioner). Further, vide Government Order No.18-Home of 2019 dated 04.12.2019, Selection Grade-II (7600), notionally w.e.f 01.07.2017 and regularly w.e.f 01.04.2018 was released in his favour; and

3) Whereas, in terms of Government Order No.36-Home of 2020 dated 03.02.2020, the date of placement of Shri Vijay Kumar Jamwal (Petitioner) in Time Scale of NFS was revised as 01.01.2012 and the date of Selection Grade-II was revised notionally w.e.f. 01.01.2016 and regularly w.e.f 01.04.2018. Further, the benefit of Selection Grade-I (8700) was also released in favour of Shri Vijay Kumar Jamwal (Petitioner) w.e.f 01.01.2020, in terms of Government Order No.37-Home of 2020 dt.03.02.2020; and

4) Whereas, after settlement of the seniority dispute in the year 2019, the effect of promotion of Shri Vijay Kumar Jamwal (Petitioner) as Dy.SP was revised vide Government Order No.994-Home of 2019 dated 28.09.2019 as 01.08.2001 instead of 27.05.2003; and,

5) Whereas, based on the representations of Deputy Superintendent(s) of Police (who had retired between 2004 to 2013) and direct recruit JKPS officers, the Selection Grade of Dy.SPs was revised from different dates, including that of Shri Vijay Kumar Jamwal (Petitioner) w.e.f 01.08.2006 instead of 18.03.2013, vide Government Order No.195-Home of 2020 dated 22.09.2020; and

6) Whereas, the Government Order No.195-Home of 2020 dated 22.09.2020, stipulates that no arrears shall be granted to the officers placed in the Selection Grade or where predating is taking place i.e, the placement/predating shall be on notional basis, **without any monetary benefits**. However, pay fixation would be made as appropriate, as on date or on the date of retirement/date of death as the case may be with consequential revision of pensionary benefits; and

7) Whereas, vide Government Order No.196-Home of 2020 dated 22.09.2020, Shri Vijay Kumar Jamwal (Petitioner) was promoted as SP notionally w.e.f 04.02.2009 and on regular basis w.e.f 04.07.2013; and

8) Whereas, in the year 2022, vide Government Order No.191-Home of 2022 dated 25.06.2022, Selection Grade-II and Selection Grade-I (Non-functional) under NFS was released in favour of some officer by calculating eligibility of 04 years and 08 years of service, respectively, from the date of placement in the Time Scale on substantive basis; and

9) Whereas, aggrieved with the above order, representations were received from number of officers for placement in the Selection Grade-II and Selection Grade-I (Non-functional) by reckoning the eligibility of 04 and 08 years of service, respectively, from the date of release of Time Scale on non-functional basis, as SRO 572 of 2018 dated 13.12.2018, provides for reckoning 04 and 08 years from the Time Scale on substantive or non functional basis; and

10) Whereas, in order to extend the benefit of Selection Grade of NFS to the officers who were not in the Time Scale of JKPS on substantive basis at the relevant point of time, the explanation below Clause 2(ii) of NFS, notified vide SRO 215 of 2018 dated 18.05.2018, was inserted vide SRO 572 of 2018 dated 13.12.2018, at the relevant point of time, which read as under:

*"Explanation: A Time Scale JKPS Officer shall mean an officer holding the Time Scale (Rs.15600-39100 with Grade Pay of Rs. 6600/- pre-revised) of the Jammu and Kashmir Police (Gazetted) Service either on substantive or on non-functional basis".*



11) Whereas, Shri Vijay Kumar Jamwal (Petitioner) filed an OA before the Hon'ble CAT titled OA No.1762/2022 titled *Vijay Kumar Jamwal vs. UT of J&K and others*, praying for the following relief:

1. *An appropriate order or direction directing the respondents to grant him a monetary benefits of selection grade of Dy.SP w.e.f. 01.07.2006 as well as the release of benefits of Selection Grade-II (Non-Functional) in pay scale of Rs. 15600/- to 39100/- with grade pay of Rs. 7600 w.e.f. 01.07.2013 and Selection Grade-I (Non-functional) in pay scale of Rs. 37400 to Rs. 67000 with a grade of Rs. 8700 w.e.f. 01.07.2017 as per the provisions of SRO-215 dated 18th May, 2018 issued by respondent No.1.*
2. *Any other relief which this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.*

12) Whereas, the Hon'ble Central Administrative Tribunal, Jammu vide its order dated 20.03.2024, passed in OA No.1762/2022 titled *Vijay Kumar v/s UT of J&K and others*, was pleased to dispose of the aforementioned application as under:

1. *"Heard learned counsel for the parties.*
2. *The instant petition has been filed by learned counsel for the applicant seeking benefits of selection grade from the w.e.f. 01.07.2006.*
3. *Learned counsel for the applicant submitted that the applicant has filed detailed representation before the respondents' department however, it is still pending. So, learned counsel for the applicant submitted that the applicant would be satisfied if the present Original Application is disposed of with a direction to respondents to consider the representation of the applicant by passing a reasoned and speaking order within time frame.*
4. *In view of the above, the Original Application is disposed of with a direction to respondents to consider the representation of the applicant by passing a reasoned and speaking order.*
5. *Respondents are further directed to communicate the order so passed to the applicant. The whole exercise shall be completed within a period of eight weeks from the date of receipt of a certified copy of this order.*
6. *With these directions, the O.A. No.1762 of 2022 is disposed of.*
7. *However, there shall be no order as to costs."*

13) Whereas, based on the representations of various officers, the matter with regard to placement in the Selection Grade-II and Selection Grade-I under NFS was referred to the General Administration Department for advice regarding interpretation of SRO 572 of 2018 dated 13.12.2018, and was thereafter, placed before the Establishment-Cum-Selection Committee (ECSC); and



14) Whereas, the General Administration Department vide OM dated 23.02.2023, conveyed the following decision of the Establishment-Cum-Selection Committee (ECSC):

*"The Committee after taking note of all aspects of the proposal of the Home Department, recommended that the officers who have attained eligibility of 04 and 08 years of service from the date of release of Time Scale on non-functional basis for Selection Grade-II and I of NFS, respectively upto 01.01.2023, may be considered for the release of the benefit of Selection Grade-II and I of NFS, after seeking clearance from the Finance Department.*

15) Whereas, the matter was taken up with the Finance Department, who vide OM dated 12.06.2023, had advised as under:

*"Returned. The Department is advised to consider release of Selection Grade-II and I of Non-functional (Monetary) Scheme (NFS), to the Officers who have attained eligibility of 04 and 08 years of service on the basis of total period of service spent in Time Scale of Rs. 15600-39100 with Grade Pay of Rs. 6600 (pre-revised) in terms of SRO 572 of 2018 dated 13.12.2018".*

16) Whereas, on the basis of recommendations of Establishment-Cum-Selection Committee (ECSC) and advice of the Finance Department dated 12.06.2023, vide Government Order No.414-Home of 2023 dated 26.08.2023, the benefit of Selection Grade-II and Selection Grade-I of NFS was revised/released upto 01.01.2023, in favour of the officers who have attained eligibility of 04 and 08 years of service, respectively, from the date of release of Time Scale on non-functional basis, in partial modification of Government Order No.191-Home of 2022 dated 25.06.2022; and

17) Whereas, vide Government Order No.36-Home of 2020 dated 03.02.2020, Shri Vijay Kumar Jamwal (Petitioner) had already been granted the benefit of Selection Grade-II notionally w.e.f. 01.01.2016 and regularly w.e.f 01.04.2018, and vide Government Order No.37-Home of 2020 dated 03.02.2020, Selection Grade-I (8700) w.e.f 01.01.2020, was also released in his favour, on the basis of release of Time Scale (6600) of NFS w.e.f 01.01.2012.

Now, therefore, in view of the above and in due deference of the order dated 20.03.2024, passed by the Hon'ble Central Administrative Tribunal, Jammu in OA No.1762/2022 titled Vijay Kumar v/s UT of J&K and others, the representations dated 08.06.2021 and 05.07.2022, of the Shri Vijay Kumar Jamwal seeking monetary benefits of Selection Grade of Dy.SP w.e.f 01.08.2006 and revision of NFS grades, were considered and found devoid of merit for the reasons recorded hereinabove and is hereby rejected.

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

Sd/-

**(Chandraker Bharti), IAS**

Principal Secretary to the Government

Dated: 20.05.2024

No: HOME-PG/171/2022 (CC 227722)

**Copy to the:**

1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Director Achieves, Archaeology & Museums, J&K.
4. Ld. Advocate, CAT Bench, Jammu.
5. Shri Vijay Kumar Jamwal (Petitioner).
6. Private Secretary to Principal Secretary to the Government, Home Department.
7. Incharge Website, Home Department.
8. Government Order/Stock file.

**Copy also to the:**

Joint Director (JKL), Ministry of Home Affairs, Government of India.



**(Sidharath Dhiman) JKAS**

Deputy Secretary to the Government