

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

Subject: O.A. No. 61/778/2021 titled Girdhari Lal and others vs. UT of J&K and another.

Reference: Order dated 30.07.2021 passed by the Hon'ble CAT Jammu Bench, Jammu in O.A. No. 61/778/2021 titled Girdhari Lal and others vs. UT of J&K and another.

Government Order No.256 -Home-2022
Dated:26.07.2022

Whereas, in terms of Government Order No. 197-Home of 2020 dated 22.09.2020, 335 Incharge Deputy Superintendents of Police were regularized/promoted as Deputy Superintendent of Police from different dates, in accordance with the recruitment rules, availability of vacancies and their eligibility ; and

2. Whereas, subsequently a tentative seniority list of the members of the Jammu and Kashmir Police (Gazetted) Service [Deputy Superintendent of Police (Executive)], as it stood on 18.05.2020, was issued vide Government Order No.198-Home of 2020 dated 23.09.2020, for inviting objections, if any, from the officers to the inter-se-seniority position assigned to them, in the said tentative seniority list, within 21 days from the date of its issuance; and

3. Whereas, in pursuance of the above, 48 representations were received from various officers, which were examined in consultation with the Police Headquarters, apart from giving personal hearing to the officers, who had filed the representations through virtual mode. The contentions of the officers were taken note of and the principles which formed the basis to the issuance of the tentative seniority were explained to them; and

4. Whereas, in pursuance of Rule 9 of the Jammu and Kashmir Police (Gazetted) Service Rules, 2002, vide Government Order No. 101-Home of 2021 dated 20.04.2021, the final seniority list of the members of the Jammu and Kashmir Police (Gazetted) Service [Deputy Superintendents of Police (Executive)] as it stood on 18.05.2020, forming **Annexure-B** to the Government order *ibid* was issued. The decisions taken on the


representations of the officers formed **Annexure-A** to the Government order *ibid*; and

5. Whereas, an O.A. No. 61/778/2021 titled *Girdhari Lal and others vs. UT of J&K and another* came to be filed before the Hon'ble Central Administrative Tribunal, Jammu Bench, Jammu wherein the applicants prayed for setting aside the Government Order No. 197-Home of 2020 dated 22.09.2020 and Government Order No. 101-Home of 2021 dated 22.04.2021, and further prayed that the respondent may be directed to regularize the applicants from the date of their promotion as Incharge Deputy Superintendent of Police; and

6. Whereas, the Hon'ble CAT vide its order dated 30th July, 2021, disposed of the aforementioned OA, with the following directions:

" Looking to the limited prayer made by the learned counsel for the applicants, the O.A. is disposed of with direction to the respondents to consider this O.A. as representation preferred by the applicants and take a decision on the same by passing a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of this order.

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

 7. Whereas, on the issue of reservations in promotions, the General Administration Department vide O.M No.GAD/MTG/RB-IV/04/2014 dated 21.06.2016, has issued instructions to all the Administrative Secretaries to keep the slots meant for the reserved category employees vacant/unfilled, till the matter is finally heard and disposed of by Hon'ble the Supreme Court; and

8. Whereas, prior to the issuance of instructions *ibid* issued by the General Administration Department, the applicants, as per the records, were placed as Deputy Superintendent of Police, on officiating basis, from various dates, against the respective category slots, allocable to them, in terms of SRO 144 of 2008 dated 28.05.2008; and

9. Whereas, based on the rule position, eligibility and other parameters, vide Government Order No. 197-Home of 2020 dated

22.09.2020; among others, the applicants were regularized as Deputy Superintendent of Police with effect from the date(s) as indicated against each in the Government order *ibid*. While undertaking this exercise, the instructions *ibid* issued by the General Administration Department were strictly adhered to, by keeping the slots meant for reserved category candidates reserved. The officers were regularized as per their seniority position assigned to them in the seniority list of Inspectors notified by the PHQ vide No. 2999 of 2019 dated 31.07.2019.

10. Now, therefore, in due deference to the order dated 30.07.2021, passed by the Hon'ble Central Administrative Tribunal Jammu Bench, Jammu in O.A. No. 61/778/2021 titled *Girdhari Lal and others vs. UT of J&K and another*, the claim of the applicants having been considered is found devoid of merit and accordingly rejected for the reasons recorded hereinabove.

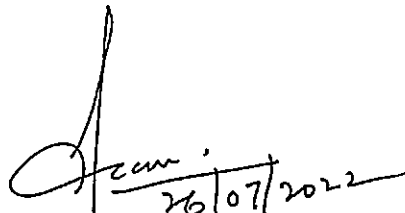
Sd/-
(Raj Kumar Goyal), IAS
Financial Commissioner/
Additional Chief Secretary

No: Home/Gaz/190/2021(CC-31073)

Dated:26.07.2022

Copy to the:

1. Director General of Police, J&K.
2. Director Achieves, Archaeology & Museums, J&K.
3. OSD to the Hon'ble Advisor (B).
4. Shri Sudesh Magotra, Ld. Additional Advocate General, Hon'ble Central Administrative Tribunal Jammu Bench, Jammu.
5. Private Secretary to the Financial Commissioner (ACS), Home Department for information of Financial Commissioner (ACS), Home.
6. Concerned officers/applicants.
7. Incharge website, Home Department.
8. Government order file/Stock file.


(Dr. Arvind Karwani) JKAS
Additional Secretary to the Government