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Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat Jammu/Kashmir

Subject:- Original Application No. 76/2022 titled Shiekh Mushtaq Ahmad and others V/s UT of J&K and others.

Government Order No : - 190 PW(R&B) of 2022
Dated: 6 .06.2022

Whereas, Shiekh Mushtaq Ahmad (Petitioner) was appointed as Junior Engineer (Civil) diploma holder vide Government order No. 210-PWD of 1988 dated: 08-03-1988; and

Whereas, the petitioners approached Hon'ble CAT with the petition with the following plea:-

- "A. Allow this Original Application by directing the respondents to give the petitioner benefit of the promotion from 19.04.2021 when his vigilance clearance report has been received by the respondents, further respondents be directed to fix the petitioners pension and post retirement benefits as retired assistant engineer.*
- B. Respondents No.1-3 be directed to pay the petitioner appropriate compensation because the petitioner because of the arbitrary use of power on part of the respondents have faced and suffered great injury to his reputation, and faced imputation among known and unknown persons and claims Rs. 25 Lakh (Rs. 2500000) compensation from the respondents.*
- C. Pass any other or further order(s) as this Hon'ble Tribunal deems fit and proper, in the facts and circumstances of the cases"*

Whereas, the Hon'ble CAT disposed of the petition at the admission stage with directions which is reproduce as under:

"Considering the limited prayer made by the learned counsel for the applicant O.A is disposed off at the admission stage with the direction to the respondents/competent authority to dispose of the representation dated: 13.08.2021 followed by representation dated: 19.12.2021 (annexure No. A-7 to the O.A) of the applicant, by passing a Reasoned and Speaking order, within a span of 4 weeks from the date of receipt of a certified copy of this order and decision so taken shall be communication to the applicant forthwith"

Whereas, vide Govt. Order No. 148-PW(R&B) of 2021, dated: 19.04.2021, Junior Engineers (Civil) were placed as I/c Assistant Engineer (Civil) on adhoc arrangement, wherein Junior Engineer (Civil) diploma holder upto Sr. 1089 were placed as I/c Assistant Engineer on adhoc arrangement; and

Whereas, before any next order for adhoc arrangement could be issued by the department in respect of applicant including others, the applicant got retired on 31.12.2021 and therefore could not be placed in the list of adhoc arrangement AEs Civil (Diploma) issued by the department on 03.01.2022; and

Whereas, the promotion of the employees is effected by the department only after the recommendations of Departmental Promotion Committee (DPC) received from JKPSC; and

Whereas, the order challenged by the applicant is an adhoc arrangement and is not a formal promotion on which his pension or any monetary benefit could be extended to him; and

Whereas, the case for promotion to the next higher grade is sent to JKPSC for consideration only when the checklist prepared by the PSC is complete which necessarily among others includes list of vacancies, final seniority list, APRs, Work and Conduct Certificate, Integrity Certificate, Vigilance Clearance from GAD/ACB etc; and

Whereas, the final seniority list of the Junior Engineers Diploma holder has not been yet issued by the department which is under active examination in the department.

In view of this and as and when all the required formalities of the Diploma holder engineers are complete for their promotion as Assistant Engineers, the case for their promotion along with the case of the petitioner shall be sent to the JKPSC for placing the proposal before the DPC for their perusal, examination and consideration.

Now, therefore in the light of the above fact and in compliance of the Hon'ble CAT direction, the claim of the petitioner was examined in the department regarding grant of promotion retrospectively is found devoid of any merit and therefore rejected. However, the case shall be placed before the DPC/JKPSC for its consideration.

By order of the Government of Jammu & Kashmir.

Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government

No. PWD-LIT/74/2022-05-PWD R&B DEPARTMENT

Dated: 6 06.2022

Copy to the:-

1. Director Archaeology Archives & Museums, J&K, Jammu.
2. Director _____.
3. Chief Engineer, _____.
4. Special Assistant to the Hon'ble Advisor(B) for information.
5. Concerned Engineer _____.



6. Private Secretary to the Principal Secretary to the Government, PW(R&B) Deptt.
7. I/c Website
8. Government Order File.
9. Copy to the concerned applicants.

Copy also to:

Joint Secretary (J&K), Ministry of Home Affairs, GOI.

(Shahid Mahmood)JKAS
Additional Secretary to the Government,
Public Works Department.