



Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, J&K, Srinagar
(HRM Branch)

Subject: Final Seniority of Executive Engineers (Mechanical) of Public Works (R&B) Department as it stood on 01.09.2016.

Government Order No: 392 -PW(R&B) of 2018
Dated: 09 .07.2018

Whereas, the final seniority list of Superintending Engineers issued vide Government Order number 465- PW(R&B) of 2012 dated 15-10-2012 has exhausted fully, as all the officers figuring in that list have retired on superannuation and sufficient posts are now available for regularization of services of Executive Engineers (Mechanical) as Superintending Engineers (Mechanical); and

Whereas, on the recommendation of the J&K Public Service Commission orders of regularization were issued in favour of 87 Executive Engineers of Public Works Department Mechanical wing, vide Government Order no. 379-PW(R&B) of 2014 dated 20-08-2014 and Govt Order No 220-PW(R&B) of 2016 dated 19-07-2016; and

Whereas, vide Government Order Nos 236 and 239 of 2016 dated 11.08.2016 tentative seniority lists of Executive Engineers (Mech) were issued by the Department for inviting objections, if any, from the members of the service; and.

Whereas, in response to the same, objections were received related to the said tentative seniority lists from the following officers:-

- I. Shri Fareed Ahmad Chowdry.
- II. Shri Amresh Raina and Others.

Whereas, during the course of examination of these objections in the department, two writ petitions were filed before the Hon'ble High Court, one by Shri Fareed Ahmad Choudhry and another from Shri Amresh Raina & Others bearing SWP No 1183 of 2017 titled Fareed Ahmad Choudry v/s State and SWP No. 2047/2016, titled Amresh Raina & others V/s State and Others respectively.

Whereas, the case SWP No 1183 of 2017 titled Fareed Ahmad Choudry v/s State has been disposed off by the Hon'ble High Court vide order dated 21.06.2017 with the following directions:-

"....Accordingly, writ petition is admitted to hearing and is disposed of with the direction to the respondents to accord consideration to the representation, stated to be filled by the petitioner for settlement of his seniority, strictly in terms of the applicable rules. Let appropriate order with regard to the settlement of the seniority of petitioner be passed within a period of three weeks from the date of receipt of copy of this order. The writ petition is accordingly disposed of."

Whereas, the Hon'ble High Court vide Order dated 26.09.2016 passed in SWP No. 2047/2016, M.P No.1/2016 titled Amresh Raina & others V/s State & others, has been pleased to admit the said writ petition and to issue the following directions:-

"In the mean time, subject to objections and till next date of hearing before the Bench, the official respondents may make the incharge arrangements to the posts of Chief Engineer by considering all eligible's. However, before doing so, the objections to the tentative seniority list filed by the petitioner shall be considered and appropriate orders passed thereon".

Whereas, the representations dated 16.01.2015 and 18.01.2017, filed by Shri Fareed Ahmad Choudhary stands examined in the Department in compliance to the Court order dated 21.06.2017 passed by the Hon'ble Court in SWP 1183/2017, where under he has represented for revisiting of his seniority position and maintenance of proper inter-se seniority between him and Shri Gagan Jyoti at the level of Assistant Engineer Executive issued vide Government Order number 113-PW(R&B) of 2005 dated 30-03-2005, invoking application of procedure for drawing inter-se seniority of reservation background candidates under rule 19 of SRO 126 of 1994 of J&K Reservation Rules -applicable then; and

Whereas, the above contention raised by Shri. Fareed Ahmad Choudhary in his representation has been examined in the Department and it has been observed that Shri Gagan Jyoti (SC) and Shri Fareed Ahmad Choudhary (ST) appear neck to neck with each other in the tentative seniority list and after its consideration the matter stands taken up with the J&KPSC for their consideration/decision. The inter-se seriatim of these two officers shall be subservient to the decision/recommendation of J&KPSC. .

Whereas, the contention raised by Shri Amresh Raina in his objection has been examined by the Department and was considered. It came to fore that the regularization at the level of Executive Engineer Mechanical has been already settled by the J&KPSC in the year 2014 i.e. before the pronouncement of judgement on reservation by the Hon'ble High Court in Ashok Kumar Sharma's case and that presently the matter of application of catch up rule and reservation in promotion is subjudice before the Hon'ble Supreme Court in SLP No SLP(C) No 32820 of 2015 titled Mohammad Hanief Lone V/s Ashok Kumar Sharma; and Asgar Ali's case and during the pendency of the said issue, department cannot revisit the settled issue of reservation in promotion as decided earlier from time to time. Moreover, no reservation in promotion beyond the level of Executive Engineer is applicable /permissible under rules; and.

Whereas, non availability of final seniority list at the level of Executive Engineer (Mech) is hampering the process of regularization of Superintending Engineer Mechanical, jeopardizing service interests of number of other officers figuring in the seniority list/consideration zone.

Now, therefore, in view of the above explained position, for attending larger interests of the members of the Mechanical Wing, the final seniority list of Executive Engineer (Mech), forming annexure "A" to this Govt. order, prepared on the basis of recommendation of J&KPSC/DPC, is hereby issued with immediate effect. The position allotted to candidates in the seniority list shall be subject to:-

- a. Final Outcome of petitions related to the application of Reservation and Catch up Rules pending before Hon'ble Supreme Court/ Hon'ble High Court or any other Competent Court of law.

- b. The Seniority Position of Shri Fareed Ahmad Choudhary and Shri Gagan Jyoti will be subject to the recommendation of JKPSC/DPC/Hon'ble Court of law
- c. The date of birth of the officers shall be subject to the verification /authentication from service records.

By Order Government of Jammu and Kashmir.

Sd/

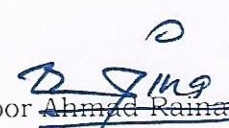
(Khurshid Ahmad) IAS

Commissioner/Secretary to Government

Public Works (R&B) Department

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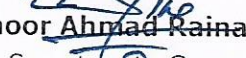
1. Commissioner/ Secretary to Government, Housing and Urban Development Department.
2. Secretary to Government, PHE/I&FC, Department.
3. Secretary JK PSC for favor of information.
4. Director Archeology & Achieves, J&K, Srinagar.
5. Director, SPD, J&K, Jammu for information.
6. Director Health Services, Jammu/ Kashmir.
7. Director Information, J&K, Kashmir. He is requested to get this Government Order published in two leading dailies of the state.
8. Chief Engineer, MED Jammu/Kashmir for information and wide circulation.
9. Chief Engineer, PHE, Kashmir/ Jammu.
10. Chief Engineer Jehlum and Tawi Flood Recovery Project Department Jammu for information
11. Managing Director, JKPCC Ltd.
12. Concerned Officers_____ for compliance.
13. Concerned.
14. Pvt. Secretary to the Chief Secretary, J&K, Srinagar.
15. Pvt. Secretary to the Commissioner/Secretary to Government, Public Works (R&B) Department.
16. Government Order file/Stock file.
17. I/c Website PW(R&B) Department.


(Dr Zahoor Ahmad Raina) KAS
Deputy Secretary to Government
Public Works (R&B) Department
09.07.2018

Annexure "A" to the Govt. Order No:-392PW(R&B) of 2018 dated 09-07-2018

S.No.	Name of Executive Engineer (Mech)	Date of Birth	Date of Regularization as Executive Engineer (Mech)
1	Bashir Ahmed	15.04.1954	01.06.2005
2	Mohd Rafiq Wani	23.07.1953	01.06.2005
3	Shafat Ahmed Chesti	15.04.1956	01.06.2005
4	Sat Bhushan Gupta	15.11.1951	01.07.2005
5	Farooq Ahmad Malik	25.12.1947	01.11.2005
6	Raj Bhadur Singh	02.02.1950	01.11.2005
7	A.Q. Mir	15.4.1948	01.1.2016
8	Ravinder Paul Gupta	10.10.1949	01.01.2006
9	Bashker Nath Bhatt	15.05.1948	01.2.2006
10	A.J. Fotedar	26.01.1950	01.03.2006
11	Mohammad Ashraf	13.10.1948	01.04.2006
12	P.K Gurkha	21.08.1950	01.04.2006
13	V.K Warikoo	12.08.1950	01.05.2006
14	Subash Chander Baru	01.10.1949	01.05.2006
15	K.S Jamwal	22.04.1950	01.05.2006
16	D.S Samnotra	08.07.1949	01.06.2006
17	Shibin Krishan Koul	01.01.1950	01.07.2006
18	Ashok Kumar Kaw	30.04.1949	01.09.2006
19	Jatinder Kumar Gupta	24.02.1951	14.09.2006
20	Sham Sunder Rangroo	20.02.1950	14.09.2006
21	R.P Koul	15.04.1949	14.09.2006
22	K.L Gupta	24.02.1950	14.09.2006
23	O.N. Bral	26.07.1950	14.09.2006
24	Ashok Kumar Gupta-1	04.02.1953	14.09.2006
25	A.K. Kapoor	14.01.1953	14.09.2006
26	D.P. Khajuria	27.02.1949	22.09.2006
27	Jeevan Lal (Diploma)	02.11.1952	22.9.2006
28	Rohit Kumar Sharma	19.08.1953	01.10.2006
29	Shiban Ji Wakil	15.03.1951	01.11.2006
30	Gagan Jyoti	04.06.1965	01.11.2006
31	Fareed Ahmed Choudhary	06.08.1963	01.11.2006
32	A.K. Koul	12.04.1951	01.03.2007
33	Vijay Kumar Labroo	01.03.1951	01.03.2007
34	K.D.S. Jamwal	27.05.1951	01.03.2008
35	Kirtan Singh	11.10.1950	01.04.2007
36	Vinod Kumar Gupta	08.06.1949	01.04.2007
37	Opinder Krishan Koul	17.10.1953	01.05.2007
38	R.K Balgotra	16.02.1951	01.05.2007
39	Vishav Bandu	03.09.1952	01.06.2007
40	Ashwani Kumar	27.10.1952	01.06.2007
41	Vinod Kumar Luthra	16.07.1954	01.07.2007
42	Jasbir Singh	16.02.1951	01.08.2007
43	Jagmohan Nargotra	28.01.1952	01.09.2007
44	Satwant Singh	05.11.1950	01.09.2007

45	Romesh Kumar Dhar	09.10.1949	01.10.2007
46	Pardeep Kumar Gupta	17.01.1953	01.11.2007
47	Pawan Kumar Raina	17.05.1951	01.11.2007
48	P.L Razdan	15.12.1954	01.12.2007
49	Mohinder Partab Sharma	19.07.1955	01.12.2007
50	Daljit Singh	31.08.1955	01.01.2008
51	Mohinder Kumar	28.07.1954	01.01.2008
52	Yog Raj Gupta	12.01.1953	01.02.2008
53	L N Abrol	17.01.1954	01.03.2008
54	Rajinder Kumar Raina	16.11.1954	01.03.2008
55	Vinod Kumar Wali	17.01.1954	01.03.2008
56	Suresh Kumar	21.09.1955	01.05.2008
57	Ajay Koul	30.03.1951	01.08.2008
58	Deepak Razdan	31.01.1957	01.08.2008
59	Mohd Maqbool Bhat	25.02.1953	01.08.2008
60	Jugal Kishore Sharma	06.08.1954	01.09.2008
61	Satish Kumar	25.09.1954	01.09.2008
62	Amrit Pal Singh	15.11.1954	01.11.2008
63	Amresh Raina	15.02.1959	01.12.2008
64	Chand Narayan Dembi	01.03.1955	01.03.2009
65	Ranjesh Bal	07.05.1957	01.03.2009
66	Chand Narayan Handoo (Voluntary retired on 01.10.2009)	12.01.1954	01.03.2009
67	Yog Raj Abrol	25.06.1957	01.03.2009
68	Hardeep Singh Bali	28.05.1954	01.04.2009
69	Sunil Gupta-1	27.02.1957	01.05.2009
70	Ashok Kumar Gupta	08.06.1956	01.05.2009
71	Rajiv Gupta I	27-2-1957	01.05.2009
72	Rakesh Mohan Koul	15.07.1957	01.06.2009
73	Vijay Kumar Raina	25.05.1958	01.02.2010
74	N. N. Thusoo	18.04.1955	01.05.2010
75	Kuldeep Kumar	10.01.1956	01.10.2010
76	Jatinder Dhar	01.05.1955	01.11.2010
77	Sunil Gupta-II	02.07.1957	25.01.2011
78	Samvit Ganjoo	06.05.1954	01.02.2011
79	Gopal Singh	20.01.1955	01.02.2011
80	Prashotam Singh	16.09.1954	01.02.2011
81	Mushtaq Hussain Jan	22.12.1958	16.02.2011
82	Abdul Rashid Dar	28.03.1963	01.03.2011
83	Farooq Ahmad Badroo	01.01.1957	01.03.2011
84	Naresh Kumar Khajuria	14.02.1962	01.04.2011
85	Imtiyaz Ahmad Kirmani	08.10.1962	01.08.2011
86	Ajay Singh Wazir	24.12.1964	01.09.2011
87	Javid Ahmad Zargar	13.07.1961	01.11.2011


 (Dr Zahoor Ahmad Raina) KAS
 Deputy Secretary to Government
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