



**Government of Jammu and Kashmir  
Public Works (R&B) Department  
Civil Secretariat, Jammu  
HRM Section**

Subject: Placement of Shri Nazir-ud-din Khawaja I/c Superintending Engineers (Civil) as I/c Chief Engineer.

Ref:- SWP No. 1014/2017 in MP No. 01/2017 titled Shri Nazir-ud-din Khawaja V/s State and Ors.

**Government Order No: 242-PW(R&B) of 2017  
Dated: 12-07-2017.**

Whereas, the matter relates to Shri Nazir-ud-din Khawaja I/c Superintending Engineer (Civil) in whose favour the Hon'ble High Court vide order dated 28.04.2017 in aforementioned writ petition has directed this department to consider his case for being placed as I/c Chief Engineer (Civil) strictly under rules;

Whereas, Shri Nazir-ud-din Khawaja, I/c Superintending Engineers (Civil) figures at seniority point No. 580 as per the final seniority list of Assistant Engineers (Civil) issued vide Government Order No. 370-Works of 2002 dated 23.07.2002 and as such, does not come under the zone of consideration for being placed as I/c Chief Engineers (Civil);

Whereas, the officer was placed as I/c Superintending Engineer vide order dated 29.11.2013 on the basis of being a member of reserved category candidate (RBA), thus got the benefit of accelerated promotion;

Whereas, the Hon'ble High Court vide order dated 09.1.2015 passed in SWP No. 12190/2014 titled Ashok Kumar Sharma and Ors V/s State and others held the reservation in promotions as ultra vires and the same was challenged before the Apex Court of India by way of different writ petitions;

Whereas, GAD vide dated 21.06.2016 issued an advisory that the slots meant for the reserved category candidates need to be kept vacant. In the instant case, there is no provision of reservation as the same being upto the level of Deputy Secretary and equivalent, and there is no justification to keep the post vacant. Besides, the post of Chief Engineer is by selection from amongst the officers falling under the zone of consideration purely on the basis of seniority and service record, the officer in question cannot be considered for higher placement i.e I/c Chief Engineer as there are a number of I/c SEs (Civil) belonging to the reserved category who were placed as I/c SEs quite before the engineer in question.

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Now, in view of the position explained herein above, the cases of Shri Shri Nazir-ud-din Khawaja I/c Superintending Engineer (Civil) for being placed as I/c Chief Engineer is considered interms of interim directions of Hon'ble High Court vide order dated 28.04.2017 and rejected being not covered under rules as on date. However, one post shall remain reserved for the placement of reserved category candidate, if any requirement under Rules and law arises.

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

**Sd/-**

**(Sanjeev Verma) IAS**

Commissioner/Secretary to Government  
Public Works (R&B) Department

No:- PW(R&B)HRM/88/2016-G

Dated. 12.07.2017

Copy to the:-

1. Commissioner/Secretary to Government, General Administration Deptt.
2. Director, Archaeology and Museums, J&K.
3. Chief Engineer, PW(R&B) Department Jammu.
4. Special to Hon'ble Minister for R&B and Mechanical Engineering Deptt.
5. Special Assistant to Minister of State, PW(R&B) Department
6. Law officer of the department for filling the compliance in the HHC.
7. Private Secretary to Commissioner/Secretary to Government, PW(R&B) Department
8. PA to Additional Secretary to Government, PW(R&B) Department
9. Concerned
10. Govt. Order file (w.2.s.c)

  
**(Dr. Des Raj Bhagat) KAS**

Deputy Secretary to Government