



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

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Subject:- OA No. 1056 /2022 titled Firdous Ahmad Ganai V/s UT of J&K and others.

**Government Order No : 150 - PW(R&B) of 2023**  
**Dated: 12 .04.2023**

Whereas, Vide Government Order No. 419 –PW(R&B) of 2007 dated 31.12.2007, Mr. Firdous Ahmad Ganai was appointed as Assistant Engineer (Civil) among others; and

Whereas, Vide Government Order No. 50 –PW(Hyd) of 2008 dated 01.02.2008, the department allotted wings (R&B & Hyd.) in favour of the above appointed Assistant Engineer (Civil); and

Whereas, Mr. Firdous Ahmad Ganai was allotted Hydraulic wing vide ibid order; and

Whereas, vide Government Order No. 181 – PW(Hyd) of 2008 dated 07.4.2008, the department in partial modification of the Government Order No. 50 –PW(Hyd) of 2008 dated 01.02.2008, changed the wing of the Mr Firdous Ahmad Ganai among 22 Engineers from Hydraulic to R&B; and

Whereas, vide circular dated 08.03.2011, the Department issued tentative seniority list of the Assistant Engineers (Civil) appointed directly through JKPSR during 2007 & 2008 in light of the rule 11 of J&K Engineering (Gazetted) Recruitment Rules, 1978 which reads as under:-

***"The posts in the design Directorate, major Hydel Projects and Public Works department Circles Ladakh Shall be manned by the members of the service drawn from various wings from time to time. Such members shall continue to have seniority in the particular wing of the service from which they are drawn. Members of the service allotted at the time of their first appointment to any of these of the service shall, for purposes of seniority, be assigned to a particular wing of the service by the Administrative Department keeping in view their qualifications and requirements of various wings of the service.***

***In the vent of transfer from one wing to another, the seniority shall be protected only if the member has been transferred in public interest. Otherwise the member shall be placed at the bottom of the seniority list of the class to which he is transferred to."***

Whereas, subsequently, the 22 candidates whose wing was changed from Hydraulic wing to R&B approached the Hon'ble High Court for restoration of their seniority position as per merit obtained in the select list; and

Whereas, the PW(R&B) Department framed the seniority list in accordance with the directions of the Hon'ble Court vide its order dated 07.06.2011, in which Hon'ble High Court disposed off the case with the directions as under:-

***"This Writ Petition is, therefore, disposed off with the direction to the State Respondents to finalize the Seniority of Assistant Engineers, considering the objections filed to the tentative Seniority List and issue the final Seniority List in accordance with the provisions of the amended Jammu and Kashmir Engineering Gazetted Service Recruitment Rules, 1978, within a period of two months. After issuance of the final Seniority List, the State may proceed with the process of making promotions to the posts of Assistant Executive Engineer".***

Whereas, the GAD vide U.O. No. GAD-SERV0GENL/135/2022 dated 20.06.2022, also advised the department as under:-

***"the department is advised to finalize the seniority of these Engineers in terms of Rule 11 of J&K Engineering (Gazetted) recruitment rules, 1979 after verifying whether the wing of these Engineers from Hydraulic wing to PWD was change in the Public Interest or as per their request."***

Whereas the applicant approached the Hon'ble CAT with the petition to reframe the seniority of the applicant as per the merit obtained by him in the select list of 2007.

Whereas the Honble CAT passed an order dated:04.11.2022, with the directions as under:

***"In view of the limited prayer made by the learned counsel for the applicant, the respondents are directed to consider the claim of the applicant for seniority as per PSC merit list and decide the representation dated 10.10.2022 within 4 weeks from today preferably before finalization of the seniority list by passing a reasoned and speaking order and communicate the same to the applicant".***

Whereas, the case was examined in view of the Honble CAT order and it was found that the Final Seniority of the petitioner among others is fixed in the department on the basis of merit obtained by them in the select list dated: 31.12.2007, in terms of the first proviso of Rule 24 read with Rule 24 (b) of the J&K Civil Services (Classification, Control and Appeals Rules) along with the rule 11(3) of the J&K Engineering (Gazetted) recruitment rules, 1978.





Now, therefore, in view of the above, the claim of the petitioners are not justifiable, devoid of merits and hence rejected.

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

**Sd/-**

**(Shailendra Kumar), IAS**

Principal Secretary to the Government

Dated: 12.04.2023

No. PWD-LIT/533/2022-05 ( C. No.7081239)

Copy to the:-

1. All Administrative Secretaries.
2. Managing Director \_\_\_\_\_.
3. Director Archaeology Archives & Museum , J&K, Jammu.
4. Director \_\_\_\_\_.
5. Chief Engineer, \_\_\_\_\_.
6. OSD to the Hon'ble Advisor (B) for information.
7. Concerned.
8. Private Secretary to the Principal Secretary to the Government, Public Works (R&B) Department.
9. I/c Website
10. Government Order File.

Copy also to :

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

**(Shahid Mahmood) JKAS**

Additional Secretary to Government

