



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

Subject: Cancellation of placement of I/c Assistant Engineers (Civil) as I/c Assistant Executive Engineer(Civil) thereof.

- Ref. 1. SWP 2668/2015 titled Mohammad Saleem and Ors Vs State of Jammu and Kashmir.
2. LPA No.SWP No.117/2023 Mohammad Saleem and Ors.

Government Order No. 263 -PW(R&B) of 2023
Dated: 21-06.2023

Whereas vide Government Order No.362-PW(R&B) of 2014 dated: 14.08.2014 and vide Government Order No.409-PW(R&B) of 2014 dated 29.09.2014, few Junior Engineers were placed as I/C AE.

Whereas, some Junior Engineers filed representations before the department including Mr. Danish Iqbal who filed SWP 2298/2014, Danish Iqbal V/s State and Ors challenging the placement of I/c Assistant Engineers made vide Government orders on the ground that they are senior to those who have been placed as I/c Assistant Engineers.

Whereas, the Hon'ble High Court vide order dated: 16.12.2014, passed the order to consider the claim of the petitioner.

Whereas, it was then observed that

"The final seniority list of Junior Engineers (Civil) as it stood on 01.01.1996 was notified vide Government order No.225-PW(R&B) of 2012 dated 11.05.2012. Further, no final seniority of Junior Engineer (Civil) was notified of engineers appointed after 01.01.1996. The representations/Court direction dated: 16.12.2014 passed in SWP No.2298/2014 titled Danish Iqbal V/s State and Ors were examined in the department and it was found that discrepancy had occurred due to non-availability of final seniority list of JEs and non-inclusion of category certificates in favour of some reserved category candidates".

Whereas it had come to the fore that 20 Junior Engineers (Civil) should not have been placed as I/C AEs (Civil) in view of the fact that their merit was lower than the claimants as per merits/ selection list recommendation of SSB.

Whereas, the department after seeking concurrence of Law, Justice and Parliamentary Affairs vide U.O No. PW(R&B) NG/83/2012 dated 25.08.2015 revoked /rescinded the placement of 20 JEs vide Government Order No. 319-PW(R&B) of 2015 dated 01.12.2015 mentioned below as the same does not stand the test of rules governing the field.

S. No.	Name of the Engineer	Serial No.in Merit/ appointment order
1.	Tahir Hussain Bhat	371

2.	Muzzafar Hussain Koul	372
3.	Malik Saleem Raja	373
4.	Abid Ali	374
5.	Arif Ahamd Banday	375
6.	Abrar Ali	376
7.	Mehraj ud Din Rather	377
8.	Saba Zahoor	379
9.	Adil Hussain Paul	380
10.	Yuvika Wahdwa	381
11.	Rafiq Hussain Pandit	382
12.	Vikramjeet Singh	383
13.	Shivalika	384
14.	Shazia Faiz	385
15.	Hilal Ahmad Wani	453
16.	Malik Zada Mudasir Bashir	455
17.	Nazir Ahmad Rather	456
18.	Shakil Ahmad Sofi	457
19.	Adbul Qadir Khan	477
20.	Mohammad Saleem	-

Whereas, aggrieved by the action of the department, these I/C AEs filed a writ petition SWP No. 2668/2015 titled Mohd. Saleem and Others Vs State of J&K wherein status quo was maintained vide order dated 14.12.2015 by Hon'ble High Court of Jammu and Kashmir and subsequently these JEs of 2009 batch continued to work as I/C AEs. Thereafter, the Hon'ble High court of JK vide order dated 10-08-2018 dismissed the writ petition as it sans merit as petitioners cannot lay claim on the posts of AE they never held substantively. Consequently, these engineers mentioned ibid filed a LPA on 1- 2018 which stands dismissed vide order dated 13.04.2023, the same is reproduced as under:-

"Neither the applicants nor their counsel is present. Seemingly the appellants and their counsel have lost interest in prosecuting the instant appeal. That being so, the instant appeal alongwith connected IA (s) shall stand dismissed for want of prosecution, interim direction, if any, shall stand vacated".

Whereas, by virtue of this judgment, the order of the department dated 01.12.2015, by virtue of which these engineers were reverted back as JEs, is vindicated.

Whereas, the HRM Section of this department came to know about this appeal on 15.05.2023 through the letter of Director Litigation's dated 24.04.2023, which was processed by the Legal Section of this department on 03.05.2023 and reached HRM section on 15.05.2023 and in the meantime these engineers were elevated as I/c AEE, as they had attained seniority and eligibility by this time.

Since the judgment of Hon'ble High Court in LPA is absolute, therefore, the Government order No.319-PW(R&B) of 2015 dated:01.12.2015 is held valid and the placement order as I/c AEE(Civil) issued vide Government Order No.190-

PW(R&B) of 2023 dated:10.05.2023, in respect of the engineers figuring in Government order No.319-PW(R&B) of 2015 dated:01.12.2015 is hereby revoked and these engineers shall retain their original positions with immediate effect.

By order of the Government of Jammu and Kashmir


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

No. PWD-LIT/145/2023-05-PWD R&B DEPARTMENT (CC:7182245)
Copy to the:-

Dated: 21.06.2023

1. All concerned Administrative Secretaries to the Government.
2. Chief Engineer, PW(R&B) Department, Jammu/Kashmir.
3. Chief Engineer, PMGSY, Jammu/Kashmir.
4. Director Archives, Archaeology and Museums, J&K.
5. Private Secretary to Principal Secretary to the Government, PW (R&B) Department.
6. Incharge web site, PW(R&B).
7. Government Order file/Stock file/Monday Return.

Copy also to the Joint Secretary (J&K), Ministry of Home Affairs Government of India.


(Dr. Zeba Sulaiman) JKAS
Under Secretary to the Government
Public Works(R&B) Department