

Government of Jammu and Kashmir
Public Works (R&B) Department
(HRM Section)

Civil Secretariat, Jammu/Srinagar

Subject:- Original Application No. 61/532/2022 titled Muzaffer Ahmed Wani and others V/s UT of J&K and others.

Government Order No : 265 PW(R&B) of 2022
Dated:- 5 08.2022

Whereas, Petitioner namely Mr. Muzaffer Ahmed Wani was initially appointed as J.E (Civil-Diploma holder) vide Govt. Order No. 209-PW(R&B) of 2009 dated: 17.09.2009 under RBA category; and

Whereas, petitioner after appointment as Junior Engineer (Civil-Diploma holder) completed Degree course in Engineering i.e AMIE (Section A&B) Course from Kolkata, which was accepted w.c.f 21.09.2013 vide Govt. Order No. 193-PW(R&B) of 2017 dated: 08.06.2017. Accordingly his seniority was fixed among Junior Engineer (Civil -Degree holder) at Sr. No 1396 of the seniority list issued vide Govt. Order No. 460-PW(R&B) of 2019 dated: 22.10.2019.

Whereas, petitioner is physically handicapped person, suffering locomotive disability in the left leg of 45%; and

Whereas, the petitioners filed O.A in the Hon'ble CAT Jammu and claimed that that he had submitted the application before respondents with the submission to accord consideration to his promotion under Physically Handicapped Category and sought following relief:

1. Seeking placement at appropriate place in the seniority list of Jr. Engineer (Civil-Degree holder) under Physically Handicapped category.
2. Promotion with all consequential benefits under Physically Handicapped Category in terms of rules governing the same w.e.f the date, he became eligible for such promotion under physically handicapped category.

Whereas, Hon'ble CAT on 30.05.2022 had disposed off the OA at admission stage, with the direction which is reproduced as under:

" On consideration of the above submission of the counsels for both the parties, this OA is disposed of at admission stage, without expressing any opinion on merits of the case, directing the respondents to treat a copy of this OA with which a copy of a Supreme Court decision has also been annexed, as representation of

the applicant as per provisions of relevant rules applicable for fixing seniority and promotion of handicapped employees and decide it with a reasoned order within four weeks from the date of receipt of a certified copy of this order and within one week thereafter to communicate it to the applicant".

Whereas, vide SRO-294 of 2005 dated: 21.10.2005, read with SRO 144 of 2008 dated: 28.05.2008, the Jammu & Kashmir Reservation rules were notified by the social Welfare Department; and

Whereas, these reservation rules has no provision for reservation in promotion for specially abled person; and

Whereas, O.A has been examined in the light of direction by the Hon'ble CAT along with other service particular of the petitioners and it has been found that petitioner has been correctly placed in seniority list of Junior Engineer (Civil-Degree Holder) at Sr. 1396 as mentioned above i.e from the date of passing degree examination. However, with respect to promotion under handicapped category, his case has no consideration as there is no provision for reservation in promotion for physically handicapped category in terms of SRO-294 of 2005 dated: 21.10.2005, read with SRO 144 of 2008 dated: 28.05.2008. Hence, the case of petitioner is found devoid of merit any merit and therefore, rejected.

By Order of the Government of Jammu and Kashmir.

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

No. PWD -LIT/312/2022-05


Dated: 5th 08.2022

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, Public Works (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 Government
