

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

Subject:- Original Application No. 1800/2021 titled Madan Lal Chadgal and others V/s UT of J&K and others.

**Government Order No : 389 PW(R&B) of 2021
Dated: . 31.12.2021**

Whereas, Mr Madan Lal Chadgal and Mr. Hans Raj were appointed as Junior Engineer (Civil) diploma holder vide Government order No. 210-PWD of 1988 dated: 08-03-1988; and

Whereas, the petitioner namely Mr Madan Lal Chadgal and Mr. Hans Raj were placed as I/c Assistant Engineer (Civil) under diploma quota on 23-12-2010 among others; and

Whereas, the petitioners were placed as I/c Assistant Executive Engineer (Civil) under diploma quota vide Government Order No. 109-PW(R&B) of 2013 dated : 02-04-2013; and

Whereas, the petitioners were placed as I/c Executive Engineer (Civil) diploma holder vide Government order No. 127-PW(R&B) of 2020 dated: 18-03-2020; and

Whereas, the petitioners approached Hon'ble CAT with the petition with the following plea:-

"the applicants were appointed as Junior Engineers (civil) vide Government order No. 210-PWD of 1988 dated 08.03.1988 by the respondents. It is further submitted that the applicants were promoted to the post of In-charge Assistant Engineers. It is further submitted that the applicants were discharging Where delis to the entire satisfaction of their superior officers and in the year 2013 that applicants were promoted to the post of Assistant Executive Engineers. It is relevant to mention here that the applicants stand again promoted to the post of Executive Engineer (Civil) but the applicants despite promotions were getting the salary to the post of Junior Engineers and are still serving in the department as Executive Engineers in their respective place of postings. The applicants are at the verge of retirement from their services in the month of February 2022 & October 2023 respectively but despite this the applicants have not received their due arrears attached to their posts. The applicants approached the higher officials on various occasion with request to do the needful at the earliest by granting all the due arrears at the applicants attached with post to which the applicants have been promoted from time to time but till date no fruitful result has been yielded to the applicants."

Whereas the Hon'ble CAT disposed of the petition with the directions to the respondent to treat the petition of the applicant as representation and to issue a speaking order in this regard. The relevant part of the order is as under:

"Looking to the limited prayer made by the learned council for the applicants, we dispose of the O.A with the direction the respondent no. 2 to treat this O.A as representation of the applicants to dispose of the same by passing a reasoned and speaking order with in a period of



four weeks from the date of receipt of a certified copy of this order. A copy of the speaking order be given to the applicant"

Whereas, after analyzing the last pay certificate details, it has been found that both the engineers are in the matrix of pay Level of 8A and are drawing the basic salary of Rs. 1,00,000/-. Therefore, the petitioner's claim of getting salary of a Junior Engineer is found incorrect; and

Whereas, Non-gazetted engineers were eligible for time bound grade promotion after every 9 years, governed by the SRO-14 dated 15-01-1996, and by virtue of which the petitioner engineers must have got minimum of two time bounds and therefore getting the salary of Assistant Executive Engineer; and

Whereas, the department has never stopped the petitioner from claiming/drawing the charge allowance as per the provisions of the JKCSR, rule 85-b; and

Whereas, the regularization process is a time taking process which has been thread bare explained in the clarification issued by the department dated; 12-12-2021(available at departmental website) and therefore the case for the regularization of Petitioners shall be placed before the JKPSA/DPC along with documents as mentioned in clarification ibid ; and

Therefore, as and when the documents required to be provided by the petitioners are received from them, those documents along with Vigilance clearance (if found clear from vigilance angle by ACB at the time of regularization) seniority list, eligibility list, appointment orders of all previous posts held by the engineer, work and conduct certificate, year wise vacancy list, incumbency list, roster register, copy of recruitment rules, vigilance clearance issued by GAD, integrity certificate and Annual performance report (as per APR Rules notified by GAD vide Govt. Order No. 1311-GAD of 2001 dated: 09.11.2001) for last five year from Non-gazetted to gazetted and 3 years from gazetted to gazetted shall be placed before the DPC under the chairmanship of PSC for due decision in due course of time.

In view of the above given facts, the claims of the petitioners have been found devoid of merit at this juncture.

By Order of the Government of Jammu and Kashmir.

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

No. PWD-LIT/347/2021-05

Dated 31.12.2021

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, OOI.

(Shahid Mahmood) JKAS
Additional Secretary to Government