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

Subject: OA No. 627 of 2022 titled Farooq Ahmad Untoo and another V/s
UT of J&K and others.

Government Order No: 404 - PW(R&B) of 2022
Dated: 17 .11.2022

Whereas, Er. Farooq Ahmad Untoo and Er. Javid Ahmad Khan were selected as Junior Engineer (Mech) Degree holder appointed in year 1982 and both the engineers were accordingly placed as I/c Assistant Engineer (Mech) in the year 1989; and

Whereas vide Govt. Order No. 132-PW(R&B) of 2005 dated: 05.04.2005, both the engineers were regularized on the recommendations of the JKPSC as Assistant Engineer (Mech) w.e.f 01.04.2001 and 01.11.2000, respectively; and

Whereas, vide Govt. Order 127-PW (R&B) of 2022 dated: 08.04.2022, the final seniority list of Assistant Engineer (Mech) Degree Holder was issued wherein both were figuring at Sr. No. 08 and 11, respectively; and

Whereas, vide Govt. Order No.187-PW (R&B) of 2003 dated: 11.10.2003, both the engineers were placed as I/c Assistant Executive Engineer (Mech); and

Whereas, both Engineers approached the Hon'ble CAT with the plea that pending final decision of the Original application (OA) the respondents may be directed to give the benefits of order dated: 10.06.2022, to the applicants by confirming them as Assistant Executive Engineer with all consequential benefits.

Whereas, Hon'ble, CAT in the case issued an order for considering case of petitioner. The relevant order is reproduced as under:

"In the light of the limited prayer made by the learned counsel for the applicant, the respondents are directed to consider this OA as a representation and decide the same as per law within six weeks from today by passing a reasoned and speaking order

and communicate the decision to the applicants. With this observation the OA is disposed of. It is made clear that no opinion is expressed on the merit of the case".

Whereas, following documents are pre-requisite for the promotion/regularization of an incumbent:

- 1. APRs of last three year.*
- 2. Work and Conduct Certificate to be issued by Adm. Secretary.*
- 3. Integrity Certificate issued by the Administrative Secretary.*
- 4. The latest vigilance clearance issued by the GAD/ACB.*

Accordingly, this department before submitting proposal of regularization of I/C Assistant Executive Engineer (Mech) Degree holder to JKPSC sought latest vigilance status and other documents ibid of petitioners along with all eligible engineers; and

Whereas, GAD (Vig) conveyed the status vide e-vigilance form no. 42154 and 42576 that the Shri Farooq Ahmad Untoo, Retired I/c Executive Engineer is figuring in case FIR NO. 23/2017 P/S VOK in his capacity as Executive Engineer, PHE Rural Mechanical Division, Balgarden Srinagar, case is under investigation and Shri Javid Ahmad Khan, Retired, Executive Engineer is figuring in: 1. JSC NO. SLK-02/2010. 2. Verification NOs. ABP-17/2011 & 3. Verification NO. SLK-04/2011 respectively; and

Whereas, this department vide letter No. PWD-HRM2/23/2021-01-Deptt. of PWD R&BD dated: 26.07.2021, submitted proposal to the JKPSC for regularization of engineers as Assistant Executive Engineer (Mech) Degree including the name of the petitioners alongwith other engineers for regularization of their services as AEE Mech. with effect from 01.04.2006 and 01.02.2006, respectively; and

Whereas, the JKPSC in its Departmental Promotion Committee of the Public Works (R&B) Department held on 17.05.2022 under the Chairmanship of Chairman, J&K Public Service Commissioner withheld the recommendations in favour of the petitioners alongwith others similarly situated engineers for want of Vigilance Clearance, Work & Conduct and Integrity Certificates. However the slots for their regularization stands reserved for them from respective dates.

Now, therefore as and when the petitioners are cleared from vigilance clearance angle and have availability of Works, Conduct and Integrity

Certificates, their case shall be referred to JKPSA for release of reserved slot/recommendation. In the absence of vigilance clearance and integrity certificate, representation of petitioners are found without merit at this juncture.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Shailendra Kumar), IAS
Principal Secretary to the Government
Public Works (R&B) Department

No. PWD-LIT/399/2022 -05

Dated: 17.11.2022

Copy to the:-

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

Copy also to :

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

(Shahid Mahmood) JKAS
Additional Secretary to Government