



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

Subject: O.A 593/2024 titled Gurbachan Singh v/s UT of J&K and Ors -
Consideration thereof.

Government Order No: 86 -PW(R&B) of 2025
Dated: 20-03-2025

WHEREAS, Mr. Gurbachan Singh has approached the Hon'ble Central Administrative Tribunal, Jammu Bench by filing O.A 593/2024 titled Gurbachan Singh v/s UT of J&K and Ors, seeking following relief:-

"Consider his case at par with the respondents considered on 01.10.2013 for the placement of I/c Junior Engineer and upto the post of Assistant Engineer and above to the placement of Mohammad Saleem, Khurshid Ahmad and Manohar Singh Degree holder as Assistant Engineer vide Govt Order No. 362 of 2014 dated, 14.08.2014 and 148 PW (R&B) of 2021 dated 19.04.2021 and given the effect to the applicant at par with others persons who got the service benefit upto the post of Assistant Engineer, with all the consequential seniority as well as monetary benefits to the applicant till the retirement and the arrears of applicant be drawn in retirement benefits to the applicant continuously."

AND WHEREAS, the Hon'ble Tribunal vide its Order dated 03.06.2024 has disposed of the O.A. with the following directions:-

"In view of the above, the Original Application is disposed of with a direction to respondents to treat this O.A as representation of the applicant and consider the case of the for promotion from JE(Civil) to Degree Holders in terms of Govt. Order No. 460-PW(R&B) of 2019 dated 22.10.2019 and decide the same by passing a reasoned and speaking order.

*Respondents are further directed to communicate the order so passed to the applicant. The whole exercise shall be completed within a period of six weeks from the date of receipt of a certified copy of this order.
With these directions, the O.A No. 593 of 2024 is disposed of."*

AND WHEREAS, records reveal that the applicant was appointed as Draftsman (Civil) in the year 1981 on the basis of two years Diploma. Thereafter, he has been placed as Incharge Head Draftsman vide Government Order No. 68-PW(R&B) of 2004 dated 04.02.2004. He had passed degree in Civil engineering in the year 2010 and his degree stands accepted by the Department vide Government Order No. 244-PW(R&B) of 2021 dated 16.08.2021, his date of passing of degree is 26.08.2010 and at that time he was holding the post of Head Draftsman;

AND WHEREAS, in the ibid Government Order it has been mentioned that Gurbachan Singh, Head Draftsman shall henceforth be treated as Head Draftsman (Civil) Degree holder and his name shall be included at appropriate place in the

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seniority list of Head Draftsman (Civil)-Degree Holders as and when the same is notified afresh by the Department and his name shall also be deemed to have been excluded from the seniority list wherever exists in any of seniority lists of **Head Draftsman (Civil)**;

AND WHEREAS, Mr. Gurbachan Singh who was holding the post of Head Draftsman has been placed as Incharge Junior Engineer (Civil) vide Government Order No. 15-PW (R&B) of 2022 dated 14.01.2022, without adhering to the rule position in this regard;

AND WHEREAS, as per schedule-II of the J&K Engineering (Subordinate) Service Recruitment Rules, 1997 notified vide SRO-180 dated 26.05.1997, the method of recruitment for the post of Junior Engineer is provided as under:

- i. 90% by direct recruitment.
- ii. 10% by promotion through DPC from Draftsman/ Works Supervisor and Shift Attendant/ Field Workers/ Field Supervisor having obtained Degree/ AMIE Section A&B, 3 years Diploma from Indian University/ Government recognized Institute in Civil/ Mech/ Electrical Engineering Discipline as applicable in the ratio of 4:4:2 respectively with atleast five years of continuous/experience service in the respective service in the respective category. In case the required number of eligible persons are not available then the vacancies shall be filled up by direct recruitment.

AND WHEREAS, from above it is clear that Head Draftsmen are not eligible for placement as Junior Engineers. It is relevant to mention here that the Department in the past has also placed Head Draftsman as Incharge Junior Engineers under 10% quota under promotion without adhering to the above rule position;

AND WHEREAS, these Incharge Junior Engineers without following any rule had been placed in the Junior Engineer Civil-Degree holder seniority list, notified vide Government Order No. 460-PW(R&B) of 2019 dated 22.10.2019, from the date of passing degree i.e 26.08.2010, despite the fact that they were placed as Incharge Junior Engineer vide Government Order No. 351-PW(R&B) of 2013 dated 01.10.2013. However, none of the official(s) have been regularized as Junior Engineer with which the applicant has prayed for parity;

AND WHEREAS, if an illegality and irregularity has been committed and undue benefit bestowed upon an individual or a group of individuals or a wrong order has been passed in the past, others cannot invoke the authorities for repeating or multiplying the same irregularity or illegality or for passing a similar wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision;

AND WHEREAS, the mistakes already committed have been rectified and the names of Mohammad Sa'eem, Khurshid Ahmad and Manohar Singh, with whom the applicant is seeking parity, stand deleted from the fresh final seniority list of the Degree Holder Junior Engineers (Civil) of the Jammu and Kashmir Engineering (Subordinate) Service of the Public Works (R&B) Department, notified vide Government Order No. 47-PW(R&B) of 2025 dated 12.02.2025.

NOW THEREFORE, in view of the above factual position and in compliance to Order dated 03.06.2024, passed by the Hon'ble Central Administrative

A handwritten signature in blue ink, followed by the date '7/20/25' written below it.

Tribunal, Jammu Bench in O.A 593/2024, the claim of the petitioner after having been examined and considered in the Department, has been found devoid of any merits and is hence rejected.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Bhupinder Kumar) IAS


Secretary to the Government

Dated 20.03.2025

No: PWD-LIT/160/2024-05 [E-7493349]

Copy to the:

1. Additional Chief Secretary to the Hon'ble Chief Minister, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary (JKL), Ministry of Home Affairs, Government of India, New Delhi.
4. Director, Archives, Archaeology & Museums, J&K.
5. Chief Engineer, PW(R&B) Department, Zone Jammu.
6. Additional Advocate General, J&K, Jammu.
7. Special Assistant to the Hon'ble Deputy Chief Minister, J&K [Incharge Public Works (R&B) Department].
8. Senior Law Officer, Public Works (R&B) Department.
9. Private Secretary to the Secretary to the Government, Public Works (R&B) Department.
10. Concerned Applicant.
11. I/C Website, Public Works (R&B) Department.
12. Government order/stock file/Monday Returns File.


(Mohib Ali Bukhari) JKAS

Under Secretary to the Government