



Government of Jammu and Kashmir
Revenue Department
Civil Secretariat, Jammu/Srinagar.

Subject: SWP No. 2929/2013 dated 15.11.2017, titled Jia Lal Rasotra V/s State of J&K & Ors.

Government Order No. 144 - REV(GAZ) of 2018
Dated: 6 - 08 - 2018

Whereas, Shri Jia Lal Rasotra filed a petition before Hon'ble High Court and stated that he was appointed against the post of patwari on 30.11.1961 and was promoted to the post of Girdawar on 28.04.1972. Subsequently passed the Naib Tehsildar departmental examination on 26.10.1978 and promoted as Naib Tehsildar vide order No. 166 of 1981 dated 13.06.1981.

That he had qualified the departmental examination in the year 1997 and he was placed as in charge Tehsildar in his own pay and grade with charge allowance vide Government Order No. REV (A) 164 of 1997 dated 24.07.1997, subject to clearance by DPC / PSC and worked on the said post till he attained superannuation from service i.e. 31.01.2001.

Whereas, the applicant has further submitted a representation before Financial Commissioner, Revenue, J&K on 29-11-2017, and sought consideration of his claim in terms of the Hon'ble Court direction dated 15.11.2017 in SWP No. 2929/2013 titled Jia Lal Rastora V/s State and others which reads as under:-

"Learned counsel for the petitioner submits that petitioner would be satisfied, if the writ petition in hand is disposed of in light of Judgment dated 19-02-2010 passed by a Division Bench of this court in LPA (SW) No.10/2001 titled State of J&K and Ors v/s Brij Mohan Sharma, as according to him, the instant case is squarely covered by the aforementioned judgment and seeks disposal of the writ petition in terms of the judgment referred herein. His statement is taken on record.

Writ petition is, accordingly, disposed of with a direction to the respondents to consider the claim of the petitioner in terms of the arguments made in the writ petition, of course

under rules and having regard to the judgment referred to herein above, provided the same applies to the case of the petitioner herein. Let consideration order be passed within a period of two months from the date certified copy of this order along with complete set of writ petition is made available by the petitioner to the respondents against appropriate receipt."

Whereas, the case has been examined in light of the aforementioned Court directions and in terms of relevant rules governing the subject. The case of the petitioner was not found similar to one against whom he sought the parity both factually as well as legally. Vide Government Order No. Rev(A)164 of 1997 dated 24-07-1997 the applicant including 19 Naib Tehsildars was placed as Incharge Tehsildars temporarily, in own pay and grade, with charge allowance as admissible under rules. The arrangement had been made subject to clearance by the Public Service Commission / Departmental Promotion Committee and their placement was ordered to be purely as a stop-gap arrangement and liable for reversion as and when the direct recruits report in the Department.

Whereas, an incharge official is confirmed from the date of attaining eligibility / date of placement subject to availability of vacancy.

Whereas, while examining the case of eligible Naib Tehsildars / I/c Tehsildars for confirmation through PSC the case of applicant was also considered and found that the applicant has retired on 30.10.2001 before the accrual of vacancy. As such he could not be confirmed in the absence of available vacancy at that particular point of time.

Now, therefore, in view of the above, the claim of Mr. Jia Lal Rasotra S/o S. Gobind Ram R/o Mahanpur, Tehsil Basholi, District Kathua being devoid of any merit is hereby rejected.

By order of Government of Jammu and Kashmir.

Sd/-

(Shahid Anayatullah)IAS

Commissioner/Secretary to the Government
Revenue Department

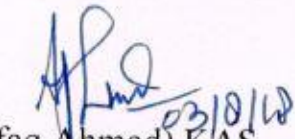
No. Rev/Lit/1233/2017

Dated: 6 -08-2018

Copy to the:-

01. Financial Commissioner (Revenue), J&K, Srinagar.
02. Accountant General, J&K, Srinagar.
03. Divisional Commissioner, Jammu.
04. Director Archives, Archeology & Museums, J&K.
05. Private Secretary to Advisor(G) to Hon'ble Governor, J&K.

06. Pvt. Secretary to the Commissioner/Secretary to Government, Revenue Department.
07. Shri Jia Lal Rasotra (Rtd. NT) S/o S. Gobind Ram R/o Mahanpur, Tehsil Basholi, District Kathua
08. I/c Website for hoisting the said Government Order on official website.
09. Government Order file / Stock file.


(Afaq Ahmad) KAS
Deputy Secretary to Government
Revenue Department