



GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, J&K.

Subject: Consideration order in compliance to Order dated 28.03.2023 passed in OA No 310 of 2023 tilted Ajeet Singh Vs UT of J&K and others.

Government Order No. 935- JK (HME) of 2023

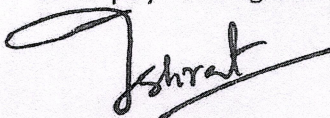
Dated: 20 -11-2023

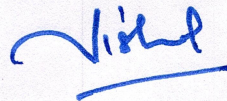
WHEREAS, the Hon'ble Central Administrative Tribunal, Jammu vide its order dated 28.03.2023, disposed of OA No. 310/2023 titled Ajeet Singh Vs UT of J&K & Ors as under:

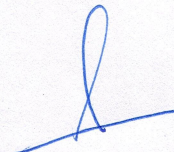
"5. Accordingly, the Original Application is disposed of with a direction to Principal Secretary to Government, Department of Health and Medical Education, Union Territory of Jammu & Kashmir, Jammu (Respondent No. 1 herein) to decide the applicant's pending representation dated 18.07.2022 and pass a reasoned and speaking order in accordance with law more particularly the assertions made by the applicant in paragraphs 4.14 to 4.16 in the Original Application. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of six weeks from the date of receipt of a certified copy of this order."

AND WHEREAS, since the Hon'ble Tribunal has directed the respondents before taking a decision, the applicant shall also be afforded an opportunity of hearing, therefore, the applicant was given an opportunity to present his case before the authority;

AND WHEREAS, the applicant appeared before the Administrative Secretary, Health & Medical Education Department on 11.05.2023 in his office Chambers at Civil Secretariat, Jammu and submitted that as per recruitment rules in vogue, he has gained an experience of more than three years as I/C Assistant Commissioner, Food Safety and is eligible for further placement as I/C Deputy Commissioner, Food Safety, thus, he may be considered for placement as I/C Deputy Commissioner, Food Safety in his own pay and grade against the roster point of SC category. He further







submitted that after the re-organization of the State of Jammu & Kashmir into two Union Territories viz. Jammu & Kashmir and Ladakh, the instructions issued under O.M. No. GAD/MTG/RB-IV/04/2016 dated 21.06.2016, does not exist.

AND WHEREAS, since the applicant has virtually challenged the instructions issued by the General Administration Department vide O.M. No. GAD/MTG/RB-IV/04/2016 dated 21.06.2016, as such, the case file was referred to the General Administration Department for advise/opinion in the matter;

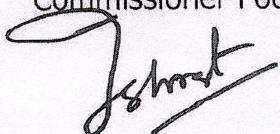
AND WHEREAS, General Administration Department vide U.O. No. GAD-MTGORBIV/77/2023-09(7200202) dated 19.10.2023 returned the case file and advised as under:-

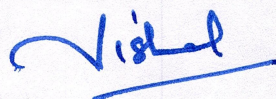
"Returned. The department is advised to proceed ahead in the matter strictly in terms of Circular No. 10- JK(GAD) of 2021 dated 05.03.2021 and file the compliance report before the Hon'ble Tribunal accordingly in consultation with the Department of Law, Justice and Parliamentary Affairs".

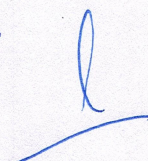
AND WHEREAS, on the advise of the General Administration Department, the case has been re-examined in terms of Circular No. 10- JK(GAD) of 2021 dated 05.03.2021 and it has been observed that in the said Circular, GAD has advised to adhere to the instructions issued vide O.M. No. GAD/MTG/RB- IV/04/2016 dated 21.06.2016 i.e. to keep the vacancies/ roster points allocable to the employees belonging to the reserved categories, vacant/ unfilled till disposal of the cases by the Hon'ble Supreme Court. Further, it has been instructed that where the candidates belonging to the reserved categories are available, the vacancies/ roster points allocable to them shall be kept vacant/ unfilled and utilized/filled for such reserved category candidates only when they become available for promotion on the basis of their own seniority.

AND WHEREAS, as per the above instructions, it is evident that Sh. Ajeet Singh is not eligible for promotion/ placement as Deputy Commissioner, Food Safety on the basis of his seniority as he is figuring at far below (S. No. 28 in Jammu division) in the seniority list of Food Inspectors (now Food Safety Officers) issued in the year 2013 and he is not regularized/confirmed as Assistant Commissioner, Food Safety till date;

AND WHEREAS, since, the applicant is substantively Food Safety Officer, as such, he cannot claim to be promoted on the post of Deputy Commissioner Food Safety nor can he claim that the post of Deputy Commissioner Food be kept vacant till he attains the eligibility;







AND WHEREAS, once the petitioner is not falling in the feeding cadre of Deputy Commissioner Food Safety, the question of keeping a post reserved for him on the basis of reservation rules does not arise;

AND WHEREAS, the issue of reservation in promotions in UT of J&K is still sub-judice before the Hon'ble Supreme Court, as such, as per the circular instructions of the government, the status-quo is to be maintained;

AND WHEREAS, in view of the above, the claim of the applicant namely, Sh. Ajeet Singh, I/C Assistant Commissioner, Food Safety for his promotion as Deputy Commissioner, Food Safety against roster point No. 3 (SC) is thus devoid of any merits;

NOW, THEREFORE, in compliance to the Order dated 28.03.2023, passed by the Hon'ble Central Administrative Tribunal at Jammu in OA No. 310/2023 titled Ajeet Singh Vs UT of J&K & Ors, the claim of the applicant namely, Sh. Ajeet Singh has been considered and found devoid of any merits and, hence, rejected.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Bhupinder Kumar) IAS
Secretary to the Government

No. HD-Lgal/95/2023-02(C.No. 7157739)
Copy to the:-

Dated: 20 .11.2023

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary, (JK&L), Ministry of Home Affairs, Government of India.
3. Commissioner, Food & Drugs Administration, J&K.
4. Director, Archives, Archaeology & Museums, J&K.
5. OSD with Advisor (B) to the Hon'ble Lieutenant Governor.
6. Private Secretary to the Secretary to the Government, Health & Medical Education Department.
7. Concerned doctor.
8. I/C Website H&ME.
9. Government Order file/Stock file/Monday Return.

(Sanjeev Sharma) JKAS

Deputy Secretary to the Government

Jshrat

Vishal