



Government of Jammu and Kashmir,
Housing & Urban Development Department,
Civil Secretariat Jammu/Kashmir

Subject: SWP No.-1680/2014, CMP No. 2648/2014 and CMP No.01/2015 titled Bashir Ahmad Shah V/S State & others.

Reference: Hon'ble High Court Order dated: 07.08.2014 read with Order dated: 29.09.2015.

Government Order No 27 -HUD of -2016

DATED: 28 -01 -2016

Whereas, Mr. Bashir Ahmad Shah, A.E.E, SMC represented for his adjustment/promotion against the post of Divisional Town Planner in SMC; and

Whereas, pending consideration to his above said representation Mr. Bashir Ahmad Shah, A.E.E, SMC approached the Hon'ble High Court through the medium of SWP No. 1680/2014 for issuing directions to the Housing & Urban Development Department for considering his promotion; and

Whereas, the Hon'ble High Court vide directions dated: 07.08.2014 passed in CMP No. 2648/2014, arising out of SWP No. 1680/2014 directed as:-

"Meanwhile respondents shall consider the petitioner for promotion to the post of Divisional Town Planner subject to eligibility and adherence to the rules and subject to the availability of post"; and

Whereas, Mr. Bashir Ahmad Shah, A.E.E filed another CMP No. 01/2015 in SWP No. 1680/2014 which came to be disposed of by the Hon'ble High Court on 29.09.2015 with the following directions:-

"This application is disposed off and respondents are directed to implement the court Order dated: 07.08.2014 passed in CMP No. 2648/2014 arising out of SWP No. 1680/2014 and submit compliance report"; and

Whereas, in compliance to Hon'ble High Court directions dated: 07.08.2014 passed in CMP No. 2648/2014 read with directions dated: 29.09.2015 passed in CMP No. 01/2015, the matter relating to the promotion/adjustment of Mr. Bashir Ahmad Shah, A.E.E, SMC against the post of Divisional Town Planner, SMC stands examined and during the course of examination it was found that there are only two sanctioned posts of Divisional



*Government of Jammu and Kashmir,
Housing & Urban Development Department,
Civil Secretariat Jammu/Kashmir*

Town Planner on the establishment of SMC which are both presently held by two incumbents leaving no vacant post available against which the promotion/Adjustment of petitioner namely Mr. Bashir Ahmad Shah, A.E.E can be considered; and

Whereas, as per the Recruitment Rules of SMC, the post of Divisional Town Planner is to be filled by promotion from Assistant Town Planner and the petitioner does not qualify for promotion as Divisional Town Planner.

Now, therefore, the promotion/adjustment of Mr. Bashir Ahmad Shah, AEE against the post of Divisional Town Planner in SMC stands hereby considered and rejected due to non-availability of the vacant post of Divisional Town Planner in SMC.

By order of the Government of Jammu and Kashmir.

Sd/-
(Bipul Pathak) IAS
Commissioner/Secretary to Government
Housing & Urban Dev. Department.

No:- HUD/LSG/SMC/45/2014-AF

Dated: 28-01-2016

Copy for information to the:

- 1 Commissioner, Srinagar Municipal Corporation.
- 2 Private Secretary to Commissioner/Secretary H&UDD.
- 3 Senior Law Officer, Housing & Urban Development Department
- 4 Government Order file (w.2.s.c.)
- 5 Concerned.

(Firdous Hussain)

Under Secretary to Government
Housing & Urban Dev. Department

28/1/16