



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

Subject: SWP No. 2483 of 2015 titled Ishtiaq Ahmad Shah S/o Ghulam Mohammad Shah R/O Malik Sahib Nowhatta Srinagar V/S State and others.

Ref :
i. Letter No. PWD/Hyd/G/372/2015 dated 21.01.2016 of PH/I&FC Department.
ii. Letter No. SMC/PS/CoM/155 dated 29.01.2016 of Commissioner, SMC.
iii. Letter No. MAB/AAG/2016/1179 dated 10.12.2016 of Addl. Advocate General Srinagar.

Government Order No.: 32 - HUD of 2017
Date : 09 - 02-2017

Whereas the Mr. Ishtiaq Ahmad Shah was appointed in SMC as JE and was promoted as AE, AEE, Executive Engineer from time to time.

Whereas, Mr. Ishtiaq Ahmad Shah was directed by the Commissioner SMC vide his order No. 1522 of 2014 dated 29.10.2014 to look after the functions and responsibility attached to the post of Supdt. Engineer Drainage Circle in addition to his own duties.

Whereas, Mr. Ishtiaq Ahmad Shah has approached the Hon'ble Court and filed a service writ petition No. 2483 of 2015 titled Ishtiaq Ahmad Shah S/O Ghulam Mohammad Shah R/O Malik Sahib Nowhatta Srinagar V/S State and others., wherein he prayed for regular promotion against the post of Supdt. Engineer in terms of applicable rules.

Whereas the Hon'ble High Court at Srinagar has passed the judgment vide order dated:18.11.2015 the operative part of the judgment reads as under:-

“Notice to other side returnable within two weeks.

Notice in CMP as well. In the meantime, respondent No.1 is directed to consider the case of the petitioner for regular promotion against the post of Superintending Engineer in terms of applicable rules. Consideration in the matter shall be accorded and decision taken within a period of two months from the date a copy of this order is served on the said respondent. Pending decision in the matter and till further orders, the present position of the petitioner shall not be disturbed”.

Whereas, in pursuance to Hon'ble High Court Order dated: 18.11.2015, the matter was taken up with Commissioner/Secretary to Government, PHE & I&FC vide OM No. HUD/LIT/454/2015/SMC dated: 06.01.2016, who intimated that the post of Superintending Engineer, Drainage Circle, Srinagar Municipal Corporation is included in the schedule of deputation vacancies of the Public Health Engineering, Irrigation &

Flood Control Department and the same is utilized for promotions/placements. Presently one Shri Virender Raina is holding the said post. Further, vide Govt. Order No. 188 HuD of 2005 dated: 3.6.2005 based on cabinet decision No. 91/7 dated: 30.5.2005 UEED Circle No. 1 along with its three Divisions, namely the City Drainage Civil Division Srinagar, Sewerage and Drainage Division II Srinagar and City Drainage Circle, Jammu along with sewerage (with only one sub-Division) were transferred to Srinagar Municipal Corporation, Similarly Sewerage & Drainage Circle, Jammu along with Sewerage & Drainage Division (West) Jammu has been transferred to Jammu Municipal Corporation. Clause K of the said Government Order/ Cabinet decision stipulates that the PHE, I&FC shall continue to manage the cadre of engineering staff who will be on deputation to the Municipal Corporation. For this reason this department shall not be in a position to give its no objection to the utilization of any engineering post of the said circles for placement/promotion of Shri Ishtiaq Ahmad Shah (Petitioner).

Whereas, after examination of the case on the above facts, this Department has filled compliance report before the Hon'ble High Court wherein, the Hon'ble High Court has been informed that the Secretary to Government, PHE & I&FC Department has not furnished their NOC as Engineering wing of Government Departments would continue to manage the cadre of Engineering Staff who will be on deputation to the Municipal Corporation or Local Bodies.

The case has been examined in this department and the claim of the petitioner is devoid of any merits and is hence rejected.

By order of the Government of Jammu & Kashmir.

Sd/-

(Hirdesh Kumar Singh)IAS

Commissioner/Secretary to Government
Housing & Urban Dev. Department

No. HUD/Lit/454/2015/ SMC

Dated 09-02-2017

Copy to the:-

1. Commissioner, Srinagar Municipal Corporation.
2. Pvt. Secretary to Hon'ble Deputy Chief Minister(I/c Housing & Urban Development Department) for information.
3. Pvt. Secretary to Hon'ble Minister of State (I/c Housing & Urban Development Department) for information.
4. Pvt. Secretary to Commissioner/Secretary to Government, Housing & Urban Development Department.
5. PA to Additional Secretary to Housing & Urban Development Department for information.
6. Concerned.
7. I/C, Departmental Website for uploading on Departmental website.
8. Stock File.



(Firdous Hussain)

Under Secretary to Government
Housing & Urban Dev. Department

