



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

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**Subject: SWP No.747/2018 titled Naazir Ahmad Sheikh Vs State of J&K and Ors.**

Ref: Order dated 29.03.2024 from the Hon'ble High Court.

**Government Order No. 171 -JK (HUD) of 2024**  
**Dated: 16 .08.2024**

Whereas, the petitioner namely Naazir Ahmad Sheikh, Safaiwalla has filed representation before Executive Officer, Municipal Council Sopore, for placement as Sanitary Supervisor on the basis of being senior to a number of Safaiwalla.

Whereas, the petitioner was initially engaged as Safaiwala in Town Area Committee, Sopore on consolidated basis. Thereafter, he was regularized in Municipal Council, Sopore as Sweeper vide Government Order No.G-27-HUD/Acct of 1997 read with Director Local Bodies, Kashmir vide No.DLB/Accts/Regtt/554 of 1997 dated 15/02/1997 w.e.f. 01/04/1995.

*High*  
Whereas, the Executive Officer, Municipal Committee, Sopore vide order No.MC/Spr/Estt/17/3065-68 dated 07/01/2017, considered and placed the petitioner as I/c Sanitary Supervisor till his case is placed before Departmental Promotion Committee (DPC). The petitioner was placed as In-charge Sanitary Supervisor on fill gap arrangement, which had fallen vacant due to the superannuation of his senior who was also placed as I/c Sanitary Supervisor.

Whereas, prior to framing of J&K Urban Local Body Institutions (Managements) Service Recruitment Rules, 2008 notified vide SRO-417 dated 18/12/2008 in terms of Section 307 of Municipal Act, 2000, the promotion to the post of sanitary supervisor was to be made out of sweeper category, with minimum qualification as Middle Pass. However, the petitioner was illiterate at that time. Moreover, after the enactment of the said rules, promotion had to be made through proper DPC in terms of seniority/eligibility under rules. Furthermore, the Executive Officer has no powers to make such arrangements at their level.


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Whereas, the petitioner approached the Hon'ble High Court through the medium of SWP No.747/2018 titled Naazir Ahmad Sheikh Vs


State of J&K and others, inter-alia, seeking the following reliefs:-

- I. Mandamus commanding the respondents to release the grade attached to the post of Sanitary Supervisor in favour of the petitioner w.e.f 07.01.2017.
- II. Mandamus commanding the respondents to regularize the services of the petitioner of the petitioner by terminating the discretion vis-a-vis his colleagues who thought being juniors to the petitioner stands already regularized.
- III. With a further command to include the name of petitioner at its appropriate place as per the cadre of Sanitary Supervisors.
- IV. With a further command to release all allied service benefits approved /approving to the post of Sanitary Supervisor from the date the petitioner was due to be promoted vis-à-vis his similarly situated colleagues.

Whereas, the Hon'ble Court vide order dated 07/04/2018 passed an interim direction, the operative part of which reproduced as:-

"In the meantime, subject to objections from the other side and till next of hearing before the Bench, the present status of the petitioner shall not be disturbed."

 Whereas, the petitioner filed contempt petition bearing CPSW No. 115/2019 in SWP No.747/2018 titled Naazir Ahmad Sheikh Vs Mr. Farooq Ahmad Rather & Others with the pray that the Hon'ble Court may be pleased to initiate contempt proceedings against the above named contemnors and they be punished for violation of the Hon'ble Court order dated 07/04/2018. The contempt has been disposed of vide order dated 22/09/2020, the operative part of which reproduced as under:-

 "During pendency of the instant contempt petition, the incumbent respondents have changed their position either on account of retirement or transfer to some other office, as such, no useful purpose can be achieved by keeping the instant contempt petition pending, therefore, the same is disposed of giving liberty to the petitioner to approach the present incumbents with a copy of the order, subject matter of the contempt petition, for seeking implementation of the same, of course, in case same has remained unimplemented so far. Further, in the event, the petitioner, after availing the aforesaid liberty, is still dissatisfied as regards the implementation of the directions of this Court, he shall be at liberty to file appropriate proceedings for implementation of the same in accordance with law."



Whereas, the Directorate of Urban Local Bodies, Kashmir has also filed objections in the instant case along-with application for vacation of order dated 07/04/2018.

Whereas, the Hon'ble High Court vide order dated 29/03/2024 disposed of the main writ petition, the operative part whereof is reproduced as under:-

In view of this, the petition shall stand disposed of by providing that petitioner, if eligible and if post is available, the respondents will consider his case for promotion by convening DPC expeditiously."

Now, therefore, the claim of the petitioner namely Naazir Ahmad Sheikh for his promotion as Sanitary Supervisor has been examined in the department in terms of J&K Urban Local Body Institutions (Management) Service Recruitment Rules 2008, as well as J&K Subordinate Services (Promotion/Consideration) Rules, 2006 vis-a-vis eligibility/seniority position of the petitioner in light of Hon'ble High Court direction dated 29.03.2024 and found devoid of merits, hence rejected.

**By order of the Government of Jammu & Kashmir.**

Sd/-  
(Mandeep Kaur) IAS  
**Commissioner/ Secretary to the Government**

No. HUD-LIT0ULBK/40/2024-01-(7497238)

Dated: 16 -08- 2024

Copy to the:-

1. Director, Urban Local Bodies, Kashmir for information .
2. Private Secretary to Commissioner/Secretary to the Government, Housing & Urban Development Department for information to the Commissioner/ Secretary.
3. Concerned official.
4. Incharge, Website, Housing & Urban Development Department.
5. Government Order File (w.2.s.c).

  
16/08/2024  
**S. Tarandeep Singh**  
Under Secretary to Government  
