



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

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**Subject:** Appointment of Mr. Ishan Savaysachi Chopra S/o Mr. Jagdish Raj Chopra R/o 35/10-12 Swaran Vihar, Post Office Muthi, Jammu, as Executive Officer in the Urban Local Bodies, Jammu, under the Scheduled Caste Category in the Pay Level-8 (47600-151100).

**Reference:** Hon'ble CAT directions passed in O.A No. 1567/2021 r/w contempt No. C.P./126/2023(Jammu) in O.A./1567/2021.


**Government Order No. 192-JK(HUD) of 2024**

**Dated: 17-09-2024**

**WHEREAS,** in terms of Jammu and Kashmir Urban Local Bodies Institution (Management) Service Recruitment Rules of 2008 issued vide SRO-417 of 2008 dated 18.12.2008, 22 posts of Executive Officers (i.e. Jammu Division=09 posts and Kashmir and Ladakh Division=13 posts) in Urban Local Bodies, Jammu and Kashmir, were advertised vide notification No. 01-HUD of 2015 dated 01.09.2015;

**WHEREAS,** Service Selection Board conducted the Computer Based Written Test for the said posts and forwarded the merit list of the candidates to this Department vide communication No. SSB/Sel/Secy/2019/4508-II dated 27.08.2019. Amongst others, merit list of the following candidates who had applied for the post of Executive Officers under Scheduled Caste (SC) category in Jammu Division was as under;

S. No.	Name of the candidate	Parentage	Roll No	Marks obtained in written examination	Percentage
1	Harvinder Singh	Mohinder Singh	JKU000477	60.25	50.21%
2	Ishan Savaysachi Chopra	Jagdish Raj Chopra	JHU000229	57.75	48.13%
3	Meenakshi Bhagat	Madan Lal Bhagat	JHU000639	56.50	47.08%
4	Vikas Chander	Ramesh Chander	JKU00097	50.00	41.67%
5	Balbir Kumar	Tara Chand	JKU000152	34.50	28.75%

  
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WHEREAS, vide Government Order No. 140-JK (HUD) of 2020 dated 21.04.2020, the appointment order was issued in favour of the selected candidates without framing waiting list;

WHEREAS, one candidate namely Mr. Harvinder Singh S/o Mohinder Singh R/o H. No. 400, L. No. 10, Hazuri Bagh, Bohri, Talab Tillo, Jammu, who was among others also appointed as Executive Officer, vide Government Order No. 140-JK(HUD) of 2020 dated 21.04.2020 under Scheduled Caste Category in Jammu Division, but did not joined the Department;

WHEREAS, one candidate namely Mr. Ishan Savaysachi Chopra, falling next in the merit list under Scheduled Caste category, approached the Hon'ble Central Administrative Tribunal vide O.A No. 962/2020, claiming for consideration of his appointment against the post of Executive Officer as Mr. Harvinder Singh S/o Mohinder Singh has not joined the Department. The operative part of the judgment is as under:

*“Looking to the limited prayer made by learned counsel for the applicant, O.A is disposed of at the admission stage itself with a direction to the respondent Nos. 1 and 2/competent authority to consider and decide the representation of the applicant by passing a reasoned and speaking order in accordance with rules within a period of two weeks from the date of receipt of a certified copy of this order with intimation to the applicant.”*

WHEREAS, in light of aforesaid judgment of the Hon'ble CAT, the Department disposed of the representation of the petitioner, vide Govt. Order No. 129-JK (HUD) of 2021 dated 06.09.2021, rejecting the claim of the petitioner on the basis of advise tendered by the General Administration Department, reproduced as under:-

*“An examination of the details available in the departmental file indicate that the selection list in the instant case has not only been rendered time barred on the expiry of one year since its notification, there has also been a reduction in the notified posts of Executive Officer in Urban Local Bodies, Jammu/Kashmir post re-organization. Further the department has not drawn any waiting list in the instant case.*

*Keeping in view the above aspects of the case, no candidate can be considered for appointment at this stage. The department is advised to apprise the Hon'ble CAT accordingly and contest the case on merits.”*





WHEREAS, feeling aggrieved by the order dated 06.09.2021 passed by the Department, the petitioner filed O.A No. 1567/2021 and consequently vide order dated 13.07.2022, Hon'ble CAT allowed O.A and issued the following directions:-

*“We direct the respondents to consider this OA, as the representation of the candidate, comply with the stipulation under Sub Rule (7) of Rule 14 where under a waiting list has to be prepared, fulfill the stipulation contained in Rule 14 of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Rules 2010 published vide SRO 533 dated 29.11.2018 and after compliance with those statutory requirements of preparing a waiting list on the basis of said examination, which was conducted in response to the advertisement No. 1-HUD 2015, dated 01.09.2015, consider the applicant’s case. The period spent on representation and in course of the hearing of the matter before this Tribunal would be excluded from the stipulated period of one year of validity because it was respondent’s failure in not ensuring maintenance of a waiting list, that has reached this situation.”*

WHEREAS, the Department challenged the order of the Hon'ble CAT in the writ petition bearing WP (C) No. 201/2023 before the Hon'ble High Court Jammu, after opinion was sought from Law Department.

WHEREAS, the Division Bench of the Hon'ble High Court vide Order dated 04.02.2023, dismissed the writ petition with the following observations:-

*“17. ...We have gone through the objections filed before the Central Administrative Tribunal as also the contents of writ petition filed before us. We do not find any such specific plea taken by the petitioners that the prayer of respondent to offer him appointment on the post left vacant due to non- joining of selected candidate - Harvinder Singh, could not be considered due to non-availability of post. No such plea has been taken either before the CAT or before us. We are, therefore, not inclined to accept this ground of challenge also.*

*18. The Central Administrative Tribunal has, thus, considered all these aspects in detail and has come to the conclusion that the respondent has made out a case for issuance of mandamus to the petitioners to consider him for the appointment against the post of Executive Officer fallen vacant due to non- joining of the selected candidate, namely, Harvinder Singh under the SC Category. No other opinion is possible in the given facts and*



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*circumstances of the case. Impugned judgment is perfectly legally and valid.*

*19. For the reasons given above, we find no merit in this petition and the same is, accordingly, dismissed.”*

WHEREAS, the matter was further examined in the department and Law Department was requested to accord necessary sanction for filing SLP against the order dated 04.02.2023 of Division Bench J&K High Court Jammu. However, the Law Department vide their U.O. No LAW/LT10/586/2022-10 dated 15.02.2023 desired as under:-

*“Department is advised to specify the grounds, if any, on the basis of which the impugned judgment is to be assailed.”*

WHEREAS, the matter was further examined and Law Department was again requested to accord sanction for filing of SLP before the Hon'ble Supreme Court against the order of Division Bench dated 04.02.2023. In response, the Law Department vide their U.O. No. LAW-SC/44/2023-10 dated 01.03.2023, opined as under:-

*“Department is advised to file SLP against the Judgment dated 04.02.2023 passed by the Division Bench of Hon'ble High Court of Jammu and Kashmir and Ladakh at Jammu WP (C) No. 201 of 2023 titled Union Territory of Jammu and Kashmir Vs Ishan Savaysachi Chopra, through Sh. Shailesh Madiyal, Advocate on Record, Supreme Court of India.*

*The Department is further advised to forward all the relevant records of the case to the Ld. Counsel and also book the virtual conference of the officers who are well versed with the case with him/her, if required, for preparation and filling of SLP in the matter.”*

WHEREAS, on the advice of Law Department, the Department filed SLP against the Judgment dated 04.02.2023 passed by the Division Bench of Hon'ble High Court of Jammu and Kashmir and Ladakh at Jammu WP (C) No. 201 of 2023 titled Union Territory of Jammu and Kashmir Vs Ishan Savaysachi Chopra, through Sh. Shailesh Madiyal, Advocate on Record, Supreme Court of India. However, the Supreme Court of India vide judgment/order dated 04.07.2023 dismissed the said SLP. The operative part of which is reproduced as under:

*“.....Upon hearing the Court made the following orders:*

*We find no merit in the Special Leave Petition. The Special Leave Petition stands dismissed.*



***Pending application(s), if any, shall stand disposed of.”***

WHEREAS, the Supreme Court of India's judgment/order dated 04.07.2023, the Department again sought opinion of General Administration Department, who vide U.O. GAD-MTG0RBIV/97/202 (26191) dated 21.09.2023, opined as under:-

***On examination of the matter, it appears that the department has not defended the case in right perspective and has not placed all facts of the case before the Hon'ble Court.***

***The department is, as such, advised to approach Department of Law, Justice and Parliamentary Affairs with full facts of the case and seek its advice in the legal options/remedies presently available to the department so that the interests of the Government are fully and properly safeguarded.***

WHEREAS, in light of the advice of General Administration Department, the Department again referred the case file to the Law Department for advice with regard to options/legal remedies available with the Department so that the interests of the Government are fully and properly safeguarded. The Law Department vide their U.O. No. Law-Lit10/586/2022-10 dated 17.10.2023 has opined as under:

***“Since all the legal remedies available with the department stand exhausted, the department is as such advised to take a policy decision for implementation of the judgment of the Hon'ble CAT as upheld by the Division Bench.”***

WHEREAS, the matter was again referred to the General Administration Department for seeking their opinion in light of the above stated facts for implementation of Hon'ble Court directions. The GAD vide U.O No. GAD-MRGORBIV/97/2021-09-GAD dated 15.04.2024, returned the file with the following advice:-

***“Returned: The enabling provisions for drawing up of wait lists by the recruiting agencies during the selection process were abolished vide S.O. 496, 497 & 498 dated 26.09.2023. However, the said decision was later reviewed and the enabling provisions for drawing up of waiting lists have been restored in the relevant rules vide S.O. 134, 135, 136 & 137 dated 28.02.2024. Besides, one time exemption was also granted to the recruiting agencies to draw up the waiting list within a period of six months in respect of those selections which have been completed during the intervening period subject to the condition that the waiting lists are drawn within the validity period of selection lists.***




*The select/merit list for the post of Executive Officers notified by the Department in the year 2019, shall remain uninfluenced by the abolition and the subsequent restoration of the practice of drawing up of wait lists.*

*The department is advised to proceed further in the matter accordingly.”*

WHEREAS, the file was again submitted to the GAD, but was returned back by the General Administration Department vide their U.O. No. GAD-ORD/59/2024-09-GAD dated 27.06.2024 with the following observations:-

*“Returned. The Department is advised to clarify the following observations and thereafter submit a coordination note capturing therein all the aspects/facts related to the case including the Hon'ble CAT/Court directions passed from time to time, opinion of Law Department, enabling this Department to proceed further in the matter:-*

*i) The case not only involves re-validation of the select list but also grant of exemption to draw up the waiting list at this belated stage for considering the appointment of the petitioner, who falls next in order to merit.*

*ii) Is there any existing vacancy against which the instant appointment is to be made.”*

WHEREAS, the Director, Urban Local Bodies, Jammu, was, accordingly, requested to intimate about the status of any existing vacancy against which the instant appointment is to be made. In response, the Director, Urban Local Bodies, Jammu, vide his communication no. DULBJ/2024/7522890/2118 dated 11-07-2024, has intimated that as per S.O. 305 dated 21/05/2024 of Social Welfare Department, one (01) post falling under Scheduled Caste category figuring at S. No. 2 of roster point is still vacant under direct quota. As such, the petitioner can be appointed under the said vacancy.

WHEREAS, the matter was listed before the Hon'ble CAT on 08.06.2024 which has directed that salary of respondent no. 2 and 3 i.e Commissioner Secretary, HUDD and Director, ULB, Jammu will be stopped failing to compliance before 15.07.2024. Again on 15.07.2024, the Hon'ble CAT has directed a personal appearance of Commissioner Secretary, HUDD on 28.08.2024, if not, complied as intimated by the Mr. Hunar Gupta. Ld. Counsel.

WHEREAS, accordingly, the Department submitted the following resolution to the Hon'ble Lieutenant Governor through Chief Secretary in Coordination for approval:-

*"In compliance to Hon'ble CAT directions passed in O.A No. 1567/2021 dated 13.07.2022 r/w directions of the Contempt Petition passed by Hon'ble CAT Jammu bearing No. CP 126/2023, sanction is, hereby, accorded to the appointment of Mr. Ishan Savaysachi Chopra S/o Mr. Jagdish Raj Chopra R/o 35/10-12 Swaran Vihar, Post Office Muthi, Jammu, as Executive Officer in the Urban Local Bodies, Jammu, under the Scheduled Caste Category in the Pay Level-8 (47600-151100), in relaxation of rules, with immediate effect, against the post, which remained vacant/unfilled due to non-joining of one Mr. Harvinder Singh, subject to fulfillment of all codal formalities notified by the Government, in relaxation of rules."*

WHEREAS, the General Administration Department vide their U.O. No. GAD-CORD/59/2024-09-GAD dated 27.08.2024, returned the departmental file with the following:-

*Returned:- Approval of the Competent Authority (Hon'ble Lieutenant Governor) is hereby conveyed to the departmental proposal regarding "appointment of Mr. Ishan Savaysachi Chopra S/o Mr. Jagdish Raj Chopra as Executive Officer in the Urban Local Bodies, Jammu, under the Scheduled Caste Category in the Pay Level-8 (47600-151100) with immediate effect" submitted in file No. 'HUD-LIT0ULBJ/64/2021-01-Housing & Urban Development Departmental' for further necessary action in the matter.*

*The Department is advised to issue appointment orders only after seeking clearance from Election Commission of India in view of the enforcement of Model Code of Conduct.*

WHEREAS, the matter was again referred to the General Administration Department for seeking clearance from the Election Commissioner of India in the instant case. In return, the General Administration Department vide their U.O. No. GAD-ADM-II/267/2024-09-GAD (CC-7565208) dated 06.09.2024 opined as under:-

*Returned:- The department is informed that in terms of INSTRUCTION Serial No. 6 of ECI letter No. 437/6/2009-CC&BE dated 5th March, 2009, Point 11 (copy enclosed), it is provided as under:-*





*Regular recruitment/appointment or promotion through the UPSC, State Public Service Commissions or the Staff Selection Commission or any other statutory authority can continue. Recruitment's through non-statutory bodies will require prior clearance of the Commission.*

*Recruitment process, in the instant case, has been undertaken through the Jammu and Kashmir Services Selection Board, which has been constituted under the ambit of the Jammu and Kashmir civil Services Decentralization and Recruitment Act, 2010, and Recruitment Rules, 2010, were notified vide SRO 375 of 2010. Moreover, under the Jammu and Kashmir Reorganization Act, 2019, it has been provided that the *ibid.* Act shall remain in force in Union territory of Jammu & Kashmir. Thus, the statutory origin of the JKSSB has remained protected.*

*The department is advised to proceed in the instant matter, as per the instructions detailed above.*

NOW, THEREFORE, in compliance to Order issued in O.A No. 1567/2021 r/w contempt No. C.P./126/2023(Jammu) O.A./1567/2021 by the Central Administrative Tribunal, Jammu, Mr. Ishan Savaysachi Chopra S/o Mr. Jagdish Raj Chopra is hereby appointed as Executive Officer, in the Urban Local Bodies, Jammu, under the Scheduled Caste Category in the Pay Level-8 (47600-151100) with immediate effect. The appointee shall report to the Director, Urban Local Bodies, Jammu within a period of 21 days from the date of issuance of this order, failing which he shall forego his right to appointment and the same be deemed to have been cancelled ab-initio without further notice.

The appointee shall be allowed to join only on the production of the following certificates (in original) to be verified subsequently:-

1. Academic/Technical Qualification.
2. Matriculation/Date of Birth Certificate.
3. Health Certificate from the concerned Chief Medical Officer of the District.
4. Domicile certificate.
5. Any other relevant documents as required.

The appointment of the appointee shall further be subject to the following conditions:-

- a. That he shall give an undertaking in the shape of an Affidavit to the effect that if on verification, his Qualification/Date of Birth/Category Certificate, if any, from the concerned issuing





authority are found to be fake/forged, the claim of the appointee for appointment as Executive Officer shall be deemed to have been cancelled ab-initio and legal action as warranted under rules shall be initiated against him.

- b. That if the candidate has taken loan for self employment from DIC/Employment Department, to be ascertained from the District Industries Centre (DIC) and District Employment & Counseling Centre of the domicile District, he shall relinquish the proprietorship of unit/enterprise and also stakes, if any, in such self-employment unit before joining the Government service. He shall be required to repay the entire loan liability in suitable EMIs to be worked out by the DDO concerned from his salary. DDO concerned shall obtain an affidavit from the concerned appointee regarding both relinquishment of proprietorship and stakes, if any, in such a self-employment unit/enterprise and recovery to be made and also personally monitor its recovery.
- c. The salary of the appointee shall not be drawn and disbursed to him unless a satisfactory report in respect of genuineness of Qualification/Date of Birth/Category Certificate, if any, is received from the concerned Authorities.
- d. The appointee shall be on probation for a period of two years.
- e. The inter-se-seniority of the appointee shall be drawn in accordance with the merit secured in the selection list prepared by the J&K Service Selection Board. The appointment of the candidate shall be governed by the "New Pension Scheme" as notified vide SRO-400 of 2009 dated 24.12.2009.
- f. The appointment of the candidate shall be subject to outcome of writ petition(s), if any, pending before Competent Court of Law.

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

Sd/-

**(Mandeep Kaur) IAS**

Commissioner/Secretary to the Government  
Housing and Urban Development Department

No. HUD-LIT0ULBJ/64/2021 (E-30233)

Dated: 17-09-2024

Copy to the:-

1. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs,  
Government of India.

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2. Commissioner/Secretary to the Government, General Administration Department.
3. Director, Urban Local Bodies, Jammu / Kashmir.
4. Director, Archives, Archaeology & Museums, J&K.
5. Registrar, Central Administrative Tribunal, J&K, Jammu.
6. Concerned.
7. Private Secretary to the Commissioner/Secretary to the Government, H&UDD.
8. Incharge Website, Housing & Urban Development Department.
9. Government Order File (w.2.s.c).

*Ridhima*  
17/09/2024

**(Ridhima Sharma) JKAS**

Under Secretary to the Government  
Housing and Urban Development Department

*[Signature]*

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