



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

Subject:- Implementation of Writ Court Judgment dated 22.12.2016 passed in SWP No. 3069/2015, MP No. 01/2015 titled Ravi Kumar V/s State of J&K and others.

Government Order No. 152-HUD of 2018

D a t e d:- 18 . 04. 2018

Whereas, vide Government Order NO. 167-HUD of 2015 dated 30.06.2015, Sh. Ravi Kumar Sharma I/C Executive Officer attached with Director Urban Local Bodies Jammu was prematurely retired from Government Services in the public interest in terms of Article 226 (2) of J&K CSR, Volume I w.e.f the forenoon of 01.07.2015, he having already rendered 22 years of service. He was allowed three months of pay and allowances in lieu of three months notice;

And Whereas, feeling aggrieved with his premature retirement, he filed SWP No. 3069/2015 titled Ravi Kumar Sharma V/s State of J&K and other” challenging his premature retirement.

And Whereas, the Hon’ble High Court at Jammu vide Judgment dated 22.12.2016, in the matter, directed as under:-

“This court by a detailed order passed today in SWP No. 1940/2015 has decided the similar issue. For the reason assigned in the said Judgment and taking into account the fact that the decision to compulsory retire the petitioner has been taken merely on the basis of registration of First information report against the petitioner

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without taking into account the APRs of the petitioner and in view of the fact that the norms evolved by the respondents themselves to arrive at a conclusion with regard to integrity of the petitioner have not been followed, the impugned order cannot be sustained in the eyes of law. It is accordingly, quashed. The respondent are directed to reinstate the petitioner and to award him all consequential benefits, within a period of one month from today. In the result, the writ petition is allowed.

And Whereas feeling aggrieved with the writ court Judgment dated 22.12.2016, an LPASW No. 227/2017, MP No. 01/2017 was filed by the State Government titled State of J&K and others V/s Ravi Kumar Sharma. The Hon'ble Division bench vide Judgment dated 06.02.2018, dismissed the LPA with the following directions:-

“May be that the observations made by the Single Judge may not cut much ice and may not be of much significance and relevance in the case but the sphere of the jurisdiction of the Committee was to consider each such cases for compulsory retirement in which the charges of corruption were leveled against each employee. How is that a few employees were picked up for such consideration and the others were allowed to go scot free and break through? The Societal concerns of administering law and Justice are not legal luxuries. The State cannot indulge in the luxury of legal sophistry with purposes more ulterior than transparent, concealing more and revealing less and masquerading as if fighting for principles. It is a sheer marvel that Courts have worked in and survived such chaotic conditions.

Viewed in the context of all that has been said and done above, merely that two cases have been registered against the respondent by the Vigilance Organization cannot form the basis of retiring him compulsory, as a corollary to which the Judgment/order of the Ld. Single Judge impugned here in this appeal which is based on the law, reason and the logic does not call for any interference and is, upheld.

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Therefore, the appeal fails and is accordingly dismissed. There shall be no order as to cost.

And Whereas, in order to avoid further adverse orders which are being expected from the Hon'ble Court in the Contempt petitions/clubbed contempt petitions, the State Government has decided to implement the writ Judgment subject to outcome of SLP;

Now therefore, in view of the above, it is hereby ordered that:-

- i. Government Order No. 167-HUD of 2015 dated 30.06.2015, ordering premature retirement of Sh. Ravi Kumar Sharma I/C Executive officer attached with Director Urban Local Bodies Jammu is rescinded abinitio.
- ii. The officer shall be entitled for payment of salary and other service benefits to which he would have been entitled to in the absence of Government Order No. 167-HUD of 2015 dated 30.06.2015 and such benefits shall be released within two months from the date of court order viz dated 06.02.2018. However payment of salary in terms of the instant Government order shall be subject to the deduction of three month salary and allowances paid to him at the time of premature retirement in lieu of notices as envisaged under Article 226 (2) of CSR.
- iii. He shall furnish an undertaking to the effect that he was not gainfully employed anywhere during the period from 30.06.2015 to the date of issuance of this order.
- iv. The officer upon reinstatement shall submit his joining report to his Administrative Department for further posting.



- v. That his reinstatement/implementation of the writ court Judgement shall be subject to the final outcome of the SLP, to be filed and cases, if any, pending against him in any matter or connected therewith.

By order of the Government of Jammu and Kashmir.

Sd/-

(K.B. Aggarwal)IAS

Financial Commissioner

Housing & Urban Development Department

No:- HUD/Lit/ 06/2016

Dated:-/18.04.2018

Copy to the:-

1. Accountant General, J&K, Srinagar.
2. Commissioner/Secretary to Govt. General Administrative Department.
3. Secretary to Govt. Department of Law, Justice and Parliamentary Affairs
4. Director Urban Local Bodies Jammu/Kashmir
5. OSD to Hon'ble Deputy Chief Minister (Minister In-Charge H& UDD).
6. Special Assistant to Hon'ble MOS H& UDD.
7. Senior law officer H& UU to furnish the relevant record to Advocate on Record for filing SLP.
8. P.S to Chief Secretary.
9. P.S to Financial Commissioner H& UDD.
10. Mr. Ravi Kumar Sharma S/oLt. Sh. Dewan Chand R/o Katra
11. Govt. Order/Stock File.



(Zahoor Ahmad Butt)

Under Secretary to Govt.

Housing & Urban Dev. Department

