



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

Subject:- Consideration order in terms of Hon'ble High Court order dated 29.09.2016 passed in SWP No. 2112/2016, MP No. 01/2016.titled Pushpati Nath Koul V/s State and Ors.

**Government Order No:225 - HUD of 2017**

**D a t e d: 08 - 11- 2017**

Whereas, Mr. Pushpati Nath Koul, Divisional Town Planner SMC has approached the Hon'ble High Court for promotion to the post of Joint Commissioner(Planning), SMC.

Whereas, the Hon'ble High Court has disposed of the case titled Pushpati Nath Koul V/s State of J&K and others SWP No. 2112/2016, MP No. 01/2016 with the following directions;-

**" In view of the aforesaid state submissions made by the learned counsel for the petitioner and in the facts of the case, the writ petition is disposed of with the direction that in case the petitioner submits a representation to the competent authority with regard to his claim for promotion to the post of Joint Commissioner Planning within a period of three weeks from the date receipt of certified copy of the order passed today, the aforesaid authority shall decide the representation submitted by the petitioner by speaking order within a period of two months from the date of receipt of such representation. Till representation submitted by the petitioner is decided, arrangement made vide order dated 19.09.2016 shall continue. It is made clear that this court has not expressed any opinion on merits of the case".**

Whereas, the petitioner (Mr. Pushpati Nath Koul) filed a representation in terms of above said Hon'ble Court order and the representation was examined and considered in the Housing and Urban Development Department under rules occupying the field.

Whereas, Mr. Pushpati Nath Koul was initially appointed as  
Draftsman in the year 1978 with qualification as two years diploma in



draftsmanship. He was promoted/adjusted against different posts as shown below:-

Name the Official	Date of 1 <sup>st</sup> appointment	Promotion	
Pushpati Nath Koul	16.09.1978 (Draftsman)	Sectional Officer	15.03.1985
		Junior Engineer-11 (re-designation)	14.03.1989
		Assistant Engineer	20.09.2004
		Assistant Executive Engineer	10.12.2009
		Executive Engineer	04.03.2014
		Divisional Town Planner	15.12.2014

Whereas, the incumbent Mr. Pushpati Nath Koul has now represented for his promotion against the post of Joint Commissioner (Planning).

Whereas, according to JAMMU AND KASHMIR TOWN PLANNING (GAZETTED) SERVICE RECRUITMENT RULES, 1995 issued vide SRO 262/95 dated 06.10.1995 the requisite qualification for the post of Senior Town Planner in Town Planning wing by the Govt. is as under:-

Joint Commissioner(P) / Senior Town Planner	By promotion from Town Planners with seven years service as such with Post-Graduate Diploma or its equivalent as recognized by Institute of Town Planners or Degree in Town and Country Planning as recognized by the Institute of Town Planners.
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Whereas, the petitioner (Mr. Pushpati Nath Koul), Divisional Town planner does not fulfill the eligibility criteria prescribed under rules for promotion to the post of Joint Commissioner (Planning)/STP as the petitioner possesses only two years Diploma in Draftsman, thereby lacks prescribed qualification/criteria for promotion to the post of JCP/STP.



Therefore, the application/representation of the petitioner is devoid of any merit and does not merit any consideration. However, with regard to fixation of seniority, tentative seniority list has been issued and objections received thereof are being examined by the Grievance Committee constituted for the purpose vide Order No. 1552 of 2016 dated:- 26.10.2016, the outcome of which will be conveyed to the Hon'ble High Court as well as the petitioner accordingly.

Now, therefore, in compliance of the Hon'ble High Court order dated: 29.09.2016, the case of the petitioner has been examined and considered under rules occupying the field and the petitioner's case was found devoid of any merit in respect of promotion to the post of Joint Commissioner (Planning), hence rejected.

**By Order of the Government of Jammu and Kashmir.**

Sd/-

(Hirdesh Kumar Singh)IAS

Commissioner/Secretary to Government  
Housing & Urban Dev. Department

No:- HUD/Lit/SMC/64/2017-II

Dated:- 08.11.2017

Copy to the:-

1. Commissioner Srinagar Municipal Corporation/Jammu Municipal Corporation.
2. Pvt. Secretary to Hon'ble Deputy Chief Minister (I/C Housing & Urban Development Department) for information of Hon'ble Deputy Chief Minister.
3. Pvt. Secretary to Hon'ble Minister of State Housing & Urban Development Department for information of Hon'ble Minister.
4. Senior Law Officer H& UDD for information with further direction to file statement of facts before the Hon'ble High Court through Ld. AAG Srinagar.
5. Pvt. Secretary to Commissioner/Secretary to Government Housing & Urban development Department.
6. P.A to Additional Secretary to Govt. H& UDD.
7. Concerned.
8. Stock file.

(Zahoor Ahmad Butt)

Under Secretary to Govt.

Housing & Urban Dev. Department