

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

Subject: C.P No. 61/9/2021 in O.A/61/962/2020 –Ishan Savaysachi Chopra V/S Dheeraj Gupta, Principal Secretary to Government, Housing and Urban Development Department & others.

Government Order No: 129-JK (HUD) of 2021

Dated: 06-09-2021

Whereas, Mr Ishan Savysachi Chopra has filed the petition before the Hon'ble Central Administrative Tribunal praying therein to consider his claim for appointment against the post of Executive Officer under Scheduled Caste category, Jammu Division which remained vacant due to non-joining of the selected candidate; and

Whereas, the Hon'ble Central Administrative Tribunal, Jammu has disposed of the petition on 5.11.2020 with the directions to the respondents to consider and decide the representation of the applicant by passing a reasoned and speaking order in accordance with rules, within period of two weeks, from the date of receipt of a certified copy of this order under intimation to the applicant; and

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, the post of Executive Officers in Urban Local Bodies, Jammu and Kashmir were advertised vide notification No. 01- HUD of 2015 dated 01.09.2015, with category-wise break-up (i.e Jammu Division =09 posts and Kashmir and Ladakh Division= 13 posts) ; and

Whereas, Service Selection Board conducted the written examination, and submitted the result and merit list of the candidates for the post of Executive Officers ; and

Whereas, the merit of the petitioner including other candidates who had applied for the post of Executive Officers under SC category in Jammu Division is as under; and

S. No.	Name (S/Sh)	Parentage	Roll No	Marks obtained in written examination	Percentage
1.	Balbir Kumar	Tara Chand	JKU000152	34.50	28.75%
2.	Meenakshi Bhagat	Madan Lal Bhagat	JHU000639	56.50	47.08%

3.	Harvinder Singh	Mohinder Singh	JKU000477	60.25	50.21%
4.	Vikas Chander	Ramesh Chander	JKU00097	50.00	41.67%
5.	Ishan Savasachi Chopra	Jagdish Raj Chopra	JHU00022 9	57.75	48.13%

Whereas, selected candidate Mr. Harvinder Singh (SC category) serial No. 4 has not joined in the Department, who was appointed as Executive Officer, among others vide Government Order No. 140-JK(HUD) of 2020 dated 21.04.2020. The petitioner being a Scheduled Caste category candidate requested to consider his claim against the post of Executive Officer, which remained unfilled due to non-joining of the selected SC category candidate; and

Whereas, there was no waiting list prepared by the Department at the time of issuance of the final selection list, as such, claim of the petitioner under waiting list cannot be considered; and

Whereas, after the receipt of the order from the Hon'ble CAT, the matter was referred to General Administration Department for seeking opinion, whether the petitioner can be considered against the post of Executive Officer which remained vacant due to non-joining of selected candidate under Scheduled Caste Category after the expiry of validity of one year. The GAD vide UO No.MTGORBIV/97/2021-09-GAD dated 31.07.2021 has opined as under:

Returned. 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 Officers 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".

Now, therefore, In light of the opinion tendered by the General Administration Department, the representation of the petitioner for appointment as Executive Officer, under SC category was considered under the rules and found devoid of merits and hence claim of the petitioner is hereby rejected.

By Order of the Government of Jammu and Kashmir.

Sd-

(Dheeraj Gupta) IAS

Principal Secretary to the Government

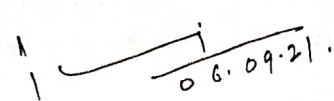
Dated: 06 .09.2021

No. HUD-LSG0LBJK/42/2021


Copy to the:

1. Commissioner/Secretary to the Government, General Administration Department.

2. Director, Urban Local Bodies, Jammu.
3. Special Secretary (Legal) ,Housing and Urban Development Department.
4. Private Secretary to Principal Secretary to the Government, Housing and Urban Development Department.
5. Mr Ishan Savayachi Chopra (Petitioner).
6. I/c Website Housing and Urban Development Department.
7. Government orders file (w.2.sc.s)/Stock file.


(Thannaji Bhat)

Under Sectary to the Government
Housing and Urban Development Department


06/09/21