

**Government of Jammu and Kashmir**  
**Housing & Urban Development Department**

Civil Secretariat, Jammu

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**Subject: SWP No. 2440/2018, titled Mr. Mohammad Maqbool Malik & Ors Vs State of J&K.**

**Government Order No. 75 – JK (HUD) of 2021**

**Dated: 16 -04-2021**

**WHEREAS**, the petitioners have filed the writ petition bearing SWP No. 2440/2018, before the Hon'ble High Court Srinagar praying therein:-

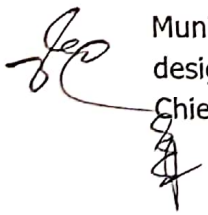
- i. *Issue a writ of mandamus commanding the respondents to implement the SRO 417 dated 31.03.2008 and accord consideration/sanction to the promotion of the petitioner to the post of Executive Officers.*
- ii. *Issue the writ of mandamus, commanding the respondents to consider the case of petitioners for re-designation/up-gradation of the post of Food Inspectors/Food Safety Officers from the grade pay of 4300-5600"*

**WHEREAS**, the Hon'ble High Court while hearing the interim application has ordered as under:-

*"Application is disposed of with a direction to respondents to accord consideration to the claim of the petitioner under admissible rules."*

**WHEREAS**, in the year 2011, the posts of Food Inspectors of Srinagar Municipal Corporation /Jammu Municipal Corporation were notified as Food Safety Officers in terms of food Safety and Standard Act, 2006 and have de-notified by Commissioner, Food Safety J&K State. Before the enactment of Food Safety Act/ Rules 2006, the Food Safety officers of the Srinagar Municipal Corporation /Jammu Municipal Corporation are responsible for ensuring the sale of Safe/standard/branded/hygienic/ manufacturing/sale of Food items and its enforcement within municipal limits, but after de-notification the job is being looked after by Food Safety officer of Drug and Food Organization in terms of Food Safety/Standard Act, 2006 within the municipal limit also;

**WHEREAS**, a proposal was received from Commissioner, Srinagar Municipal Corporation and Jammu Municipal Corporation to the department for re-designation/up-gradation of the posts of Food Inspectors as Chief Revenue Officers, Chief Enforcement Officers & Chief Sanitation Officers, in the pay scale



of ₹ 15600-39100+6600/- at par with their counter parts in Local Bodies and other officers promoted in SMC/JMC to the equivalent posts;

**WHEREAS**, the Commissioner's of SMC/JMC recommended the case of officials for re-designation and upgradation of the post of Food Inspectors to Chief Revenue Officers, Chief Enforcement Officers & Chief Sanitation Officers in the Pay scale of ₹ 15600-39100+GP of ₹ 6600, as one time exception in the personal capacity;

**WHEREAS**, after examination, vide U.O. dated 22.01.2019, the matter was taken-up with the Finance Department for re-designation / up-gradation of the following posts of officials of JMC / SMC as Chief Revenue Officer / Chief Enforcement Officer / Chief Sanitation Officer, in the scale of ₹ 9300-34800+GP of ₹ 4800/- (pre-revised) as one time exception in the personal capacity till they hold the relevant post by corresponding reduction of these posts:-

S. No.	Name of the Official	Municipal Corporation	Present Designation	Initial Scale of the Post of Food Safety Officer	Posts of Food Safety Officers/Food Inspectors Re-Designated as	Up-graded to Functional Scale
1	Parnod Kumar	JMC	Food Safety Officer	9300-34800+4300	Revenue Officer	9300-34800 +4800 (Pre-revised)
2.	Ashwani Kumar Sudan	-do-	-do-	-do-	-do-	-do-
3	Parveen Gupta	-do-	-do-	-do-	-do-	-do-
4	Sunil Kumar Gupta	-do-	-do-	-do-	-do-	-do-
5	Farooq Ahmad Bhat	SMC	-do-	-do-	Enforcement Officer	9300-34800 + 4800 (Pre-revised)
6	Mohammad Maqbool Malik	-do-	-do-	-do-	Sanitation Officer	-do-
7	Javid Ahmad Rather	-do-	-do-	-do-	Revenue Officer	-do-

**WHEREAS**, the Finance Department vide U.O. No. A/33(2013)-A-1213 dated 14.02.2020, returned the departmental file with advice as under:-

*"Returned. The Proposal was discussed on 07.02.2020 and it was decided that the posts of Food Safety Officers shall not be re-designated and shall continue in the recruitment rules till the posts are vacated by the retirement of the incumbents. The department shall assign the job of these officials as per its requirement."*

**WHEREAS**, in light of the above facts and opinion tendered by the Finance Department, the prayer of the petitioner for re-designation/up-gradation of the posts of Food Inspector/Food safety Officers does not merit any consideration, under rules and shall continue in the recruitment rules till the posts are vacated after retirement of the incumbents;



**WHEREAS**, the claim of the petitioner to implement the SRO 417 dated 31.03.2008 is devoid of merits on the ground that the said SRO is applicable to Urban Local Bodies under the Municipal Act, 2000 and as such, the Corporations are not governed under the Municipal Act, 2000, who have separate rules and regulations governing recruitment. As such the applicability of said SRO is not admissible to the corporations;

**NOW THEREFORE**, in the above backdrop, the claim of the petitioners has been examined in light of the Hon'ble Court order dated 16.10.2018 passed in *SWP No. 2440/2018*, is hereby found devoid of merits and accordingly rejected.

By Order of Government of Jammu & Kashmir.

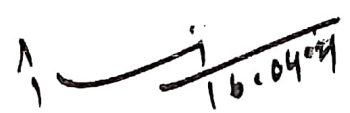
**Sd/-**  
**(Dheeraj Gupta) IAS,**  
Principal Secretary to the Government,

Dated: 16-04-2021

No.: HUD/Lit/SMC/75/2018

Copy to the:-

1. Financial Commissioner, Finance Department
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi
4. Commissioner, JMC/SMC for information and further necessary action.
5. Ms. Asifa Padroo, AAG Srinagar for information.
6. Private Secretary to Principal Secretary to the Government, Housing & Urban Development Department.
7. Concerned (Petitioners).
8. Incharge website.
9. Government Order File/Stock file.

  
**(Thanna Ji Bhat)**

Under Secretary to Government,  
Housing and Urban Development Department

  
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