



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

Subject: Service Writ petition No 2210/2012 titled Mrs. Jyoti Raina v/s State and others.

Government Order No. 111-HUD of 2019
D a t e d 09 . 04 . 2019

Whereas, the Jammu and Kashmir Architects Gazetted service is governed by Jammu and Kashmir Town Planners and Architects (Gazetted) Service Recruitment Rules, 1978, which provides method of Recruitment to the post of Assistant Architect as under:

- i. 2/3 by direct recruitment
- ii. 1/3 by promotion from amongst Architectural Assistant and Head Draftsman in the Non-gazetted cadre of the service.....

Whereas, the total sanctioned cadre strength of the post of Assistant Architect in the J&K Architect Organization is 18. By virtue of the method of recruitment to the post of Assistant Architect, 12 posts are meant for direct recruitment and 6 posts for promotion quota;

Whereas, in the year 2012, a Departmental Promotion Committee meeting was held in the Public Service Commission wherein, among others Smt. Jyoti Raina was cleared as Assistant Architect w.e.f. 1.8.2008 against the promotion quota post;

Whereas, Smt. Jyoti Raina felt aggrieved with her date of promotion moved to the Hon'ble High Court with a prayer to modify Government Order No. 173-HUD of 2012 dated 5.9.2012 to the extent the petitioner has been regularized on the promotional post of Assistant Architect in her quota w.e.f. 1.8.2008 instead of the date from which she has been promotion on officiating basis i.e. since March, 2002 on the same analogy as was done in the case of her senior colleagues who were the petitioners in the earlier writ petition No. 430 -HUD of 2006 or at least from the date when vacancy became available in the slot on 1.6.2007;

Whereas the Hon'ble High Court disposed of the SWP No. 2210/2012. MP No. 02/2017 MP No.01/2017 MP No. 01/2016 MP No.D-1534/2013 c/w Contempt(SWP) NO. 200/2013 titled Jyoti Raina v/s State of J&K and others vide its order dated 1.11.2017, the operative part of which reads as under:

“For all what has been discussed above and given the rival contentions of the parties, the writ petition is disposed of with a direction to respondents to consider the claim of the petitioner for regularization of her promotion to the post of

Assistant Architect from 1.6.2007, in the event the post of Assistant Architect had been vacant and if the consideration finds favour then respondents to issue revised seniority list. Disposed of.”

Whereas, against the 6 posts of Assistant Architect meant for promotion quota, the following officers were in position w.e.f. 1.1.2002 to 31.7.2008:-

S.No.	Name of the officer	Date of birth	Date from which holding the post of Assistant Architect substantively
1.	Rajesh Gupta	20.9.1956	8.3.1994
2.	Romesh Sharma	23.11.1956	8.3.1994
3.	Mrs Anita Samyal	26.9.1959	8.3.1994
4.	Rajinder Pattu	22.11.1956	1.9.1995
5.	Ashok Kumar Mahajan	5.4.1961	1.3.1996
6.	Harinder Arora	7.12.1962	20.4.2001

Whereas, as per above table there was no vacancy available from 2002 to 31.7.2008 against which the claim of the petitioner Jyoti Raina could have been considered for her regular promotion as Assistant Architect.

Whereas, a vacancy had become available w.e.f. 1.8.2008 due to promotion of Shri Rajesh Gupta as Divisional Architect .

Whereas, petitioner Jyoti Raina, Architectural Assistant being senior most among others was considered for promotion as Assistant Architect against the vacancy of 1.8.2008 by the DPC in its meeting held in the year 2012 and after clearance by the DPC, the Department accordingly promoted her as Assistant Architect w.e.f. 1.8.2008 vide Government Order No. 173-HUD of 2012 dated 5.9.2012.

Whereas, having regard to the orders of the Hon'ble High Court, the claim of the petitioner Smt. Jyoti Raina for her promotion as Assistant Architect w.e.f. 1.6.2007 was examined and found devoid of merits as no vacancy was available in the year 2007 as already indicated in the above para.

Now, therefore, the claim of petitioner Smt. Jyoti Raina for her promotion as Assistant Architect w.e.f 1.6.2007 is devoid of merits hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/
(Dheeraj Gupta), IAS
Principal Secretary to Government
Housing and Urban Dev.Department.

No. HUD/Arch/05/2016
Copy to the.

Dated 09.04.2019

1. Principal Secretary to Government, General Administration Department.
2. Chief Architect, Architects Organization, J&K, Jammu.
3. Commissioner, Jammu Municipal Corporation.

4. OSD to Hon'ble Advisor (S)
5. Private Secretary to Principal Secretary to Government, Housing and Urban Dev. Department.
6. Private Secretary to Secretary, Housing and Urban Dev. Department.
7. Government Order file(w.2.s.c.)
8. Stock file.


(Anil Kumar Gupta) KAS
Secretary
Housing and Urban Dev. Department