



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

Subject:- Consideration order in terms of Hon'ble High Court order dated 24.04.2018 passed in SWP No. 875/2018, MP No. 01/2018 titled Rajinder Kumar Tutoo V/s State and Ors.

Government Order No: 68 - HUD of 2019

D a t e d: 06 - 03- 2019

Whereas, Mr. Rajinder Kumar Tutoo, I/C Joint Commissioner SMC has approached the Hon'ble High Court for promotion to the post of Joint Commissioner(Planning), SMC.

Whereas, the Hon'ble High Court in SWP No. 875/2018, MP No. 01/2018 titled Rajinder Kumar Tutoo V/s State and other vide order dated 24.04.2018 passed the following directions;-

"In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, the respondents shall consider the claim of the petitioner for his promotion against the post of Joint Commissioner (Planning), on regular basis. The present status of the petitioner shall not be disturbed, till next date of hearing."

Whereas, petitioner (Mr. Rajinder Kumar Tutoo) 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 st appointment	Promotion	
Rajinder Kumar Tutto	16.09.1978 (Draftsman)	Sectional Officer	27.12.1984
		Junior Engineer-11 (re-designation)	14.03.1989
		Assistant Engineer	20.09.2004
		Assistant Executive	06.01.2010
		Engineer	04.03.2014
		Executive Engineer Divisional Town Planner	15.12.2014

Whereas, as per Govt. order No. 146-HUD of 2018 dated 17.04.2018, it was ordered that the petitioner holding post of Divisional Town Planner Municipal Corporation Srinagar shall hold the additional charge of the post of Joint Commissioner (Planning), SMC in addition to his own duties, till further orders.

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. Rajinder Kumar Tutto), 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.

Now, therefore, in compliance of the Hon'ble High Court order dated: 24.04.2018, 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/-
(Dheeraj Gupta)IAS
Principal/Secretary to Government
Housing & Urban Dev. Department

No:- HUD/Lit/SMC/09/2019

Dated:- 06.03.2019

Copy to the:-

1. Commissioner Srinagar Municipal Corporation/Jammu Municipal Corporation.
2. Private Secretary to Advisor (S) In-charge H& UDD for information of the Advisor (S).
3. Senior Law Officer H& UDD for information with further direction to file Objections before the Hon'ble High Court through Ld. AAG Srinagar.
4. Pvt. Secretary to Principal/Secretary to Government Housing & Urban Development Department for information of Principal Secretary.
5. P.A to Secretary to Govt. H& UDD.
6. Concerned.
7. Stock file.


(Syed Nazir Ahmad)
Under Secretary to Govt.
Housing & Urban Dev. Department