

**Government of Jammu and Kashmir
Department of Skill Development
Civil Secretariat, J&K.**

Subject:- OA No. 107/2022 titled Mr. Ajaz Ahmad Kakroo Vs UT of J&K & Others.
Ref:- Letter No.DSD/Poly/101/e-411481/1881 dated 31.01.2022 from Director,
Skill Development.

**Government Order No. 50-JK(DSD) of 2022
Dated: 26.05.2022**

Whereas, Sh. Ajaz Ahmad Kakroo has been appointed as Jr. Programmer vide Order No. 264 of 1991, dated 01.04.1991 and was posted in KG Polytechnic Srinagar;

Whereas, vide Government Order No. 135-Edu(Tech) of 2010, dated 04.10.2010, he has been assigned the charge of I/c Programmer with charge allowance;

Whereas, Director, Skill Development on the application/representation submitted by Mr. Ajaz Ahmad Kakroo recommended his case for promotion/regularization as Programmer on the analogy of TPOs;

Whereas, Mr. Ajaz Ahamd Kakroo has also approached to Central Administrative Tribunal, Srinagar through OA No. 107/2022 titled Mr. Ajaz Ahamd Kakroo Vs UT of JK and others which was disposed of at threshold vide order dated 24.02.2022 with following direction:-

In view of the limited prayer made by learned counsel for the applicant, the O.A is disposed off at the admission stage with a direction to the respondents/competent authority to dispose of the representation of the applicant which was duly recommended by the Director, Skill Development, Jammu and Kashmir vide Letter No. DSD.Poly/101/241148/1881 dated 31.01.2022 and dispose of the same by passing a Reasoned and Speaking order within a period of four weeks from the date of receipt of certified copy of this order. A copy of the Speaking order be given to the applicant.

Whereas, in pursuance to above directions of the Hon'b'le CAT, case of the applicant has been examined in the Department and referred to Department of Law Justice and Parliamentary Affairs for opinion/comments;

Whereas, Department of Law Justice and Parliamentary Affairs vide U.O. LAW/LIT3/426/2022-10 dated 16.03.2022 has opined as under:-

"Department is advised to seek the comments of GAD in the first instance".

Whereas, pursuant to Central Administrative Tribunal, Srinagar order in the OA No. 107/2022 titled Ajaz Ahamd Kakroo Vs UT of JK and others dated 24.02.2022 read with advise tendered by Department of Law Justice and Parliamentary Affairs, regarding the matter, the case was referred to General Administration Department for opinion/advise;

Whereas, the GAD returned the proposal vide U.O. No.GAD-SERVOGENL/89/2022 Dated:11.04.2022 with the following advise/observation:-

"The department is advised to consider the promotion of employees only in terms of the recruitment rules of the service and also to pass a consideration order in light of the directions of the Hon'ble CAT issued in its order dated 24.02.2022".

Whereas, matter was again taken up with Department of Law Justice and Parliamentary Affairs for comments on advise of General Administration Department;

Whereas, Department of Law Justice and Parliamentary Affairs again vide U.O LAW-Lit3/426/2022-10 dated 12.05.2022 has opined as under:-

“Department is advised to proceed in the matter in accordance with the opinion/advice of the GAD”.

Whereas, post of programmer is a newly created post in the department as such there is no provision/method of recruitment prescribed for the post in the existing Gazetted recruitment rules notified vide SRO-328 of 2002 dated 29.08.2002;

Whereas, proposal for updation/amendments in Gazetted Service Recruitment Rules includes method of recruitment for the post of programmer has already been finalized in the department and draft updation in J&K Technical Education (Gazetted) Service Recruitment Rules (now Skill Development) has already been submitted to ARI & Trainings Department for placing before Designated Committee, by proposing method of recruitment for the post of programmer as below:-

VII		Programmer	L8 (47600-151100)	Bachelor of Engineering/B. Tech (Information Technology) or Electronics and Communication or Computer Engineering or MCA from a recognized University/Institution	50% by direct recruitment; 50% by promotion from the category of Junior Programmer having at least 07 years qualifying service in that category.
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Now, therefore, the claim of applicant has been considered in light of directions of the Hon'ble Central Administrative Tribunal and the existing recruitment rules and found devoid of any merit. However, due consideration shall be given to the claim of the applicant as and when updation/amendment in J&K Skill Development Department (Gazetted) Service Rules get the accent of competent authority.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Dr. Asgar Hassan Samoon)IAS
Principal Secretary to Government,
Skill Development Department

No. DSD-Poly/36/2022-02

Dated: 26.05.2022

Copy to the:-

1. Principal Secretary to the Government, General Administration Department.
2. Secretary to the Government, Department of Law, Justice and PA.
3. Director, Skill Development Department.
4. Director, Archives, Archeology & Museums.
5. Registrar, Central Administrative Tribunal, Srinagar .
6. OSD with Hon'ble Advisor (B).
7. Deputy Secretary (Legal), Department of Skill Development.
8. Advocate concerned.
9. PS Principal Secretary, Department of Skill Development.
10. Concerned.
11. Government order file/stock file/website Incharge.

(Fayaz Ahmad Bhat)
Under Secretary to the Government