

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

Subject: OA No.61/407/2022, titled Ms. Reeta Lecturer-I versus JKUT and others.

Government Order No. 88 –JK(DSD) of 2022
Dated: 22.11.2022

Whereas, a representation of the petitioner regarding proper maintenance of roster points, in terms of J&K Reservation Act,2004 and rules made thereunder amended from time to time was thoroughly examined in the Department and vide communication No. DSD/Poly/63/2022-02 dated 25.04.2022, the Director, Skill Development was conveyed the factual position on the issue that regularization proposal in respect of faculty members of Polytechnic sector which includes the petitioner Ms. Reeta Lecturer-I (OMCA) was strictly considered by the DPC/J&KPSC in light of the Reservation Rules, seniority and instructions issued by GAD vide No.10-JK(GAD) of 2021 dated 05.03.2021; and

Whereas, one post under SC category has been kept reserved by the DPC w.e.f 05.01.2012 likewise other category candidates but without giving any immediate benefit of reservation pursuant to orders of Hon'ble Supreme Court and the instructions of General Administration Department issued from time to time on the subject. However, she has been considered for promotion against subsequent vacancy of Lecturer-I (OMCA) as per her seniority position prospectively, subject to outcome of court cases pending disposal before the Hon'ble Supreme Court and further instructions from GAD on this account; and

Whereas the Hon'ble Central Administrative Tribunal (CAT) Jammu Bench vide order dated 28.04.2022 passed in O.A. No 61/407/2022 titled Smt. Reeta v/s Joint Secretary(J&K) Ministry of Home Affairs. Govt. of India and others, directed as under:-

"On consideration of the above submissions this O.A is disposed of at the admission stage without expressing any opinion on merits of the case, directing the respondents to consider the pending last representation of the applicant submitted in March 2022 as per relevant provisions of rules and binding instructions on the subject and decide it with a reasoned order within two weeks from the date of the receipt of certified copy of this order and within one week thereafter communicate it to the applicant. Till the representation of the applicant is decided, the respondents should maintain status quo as on today about his posting." And

Whereas, the directions of Hon'ble CAT have already been complied with by the Department by disposing of the representation and have communicated the same to the petitioner vide letter dated 25.04.2022; and

Whereas, in order to further clarify the issue, the matter was taken up with the General Administration Department vide U.O dated 03.06.2022 for seeking their opinion, who vide O.M. No. GAD-MTGORBIV/133/2022-09-GAD (203579) dated 26.07.2022, has returned the file with the following opinion:-

"The matter has been examined in the General Administration Department and the Skill Development Department is advised to proceed in terms of Circular 10-JK(GAD) of 2021 dated 05.03.2021 strictly and adhere to the Circular instructions contained therein and submit the proposals to GAD, only if the same are in accordance with these instructions".

Now, the claim of the Petitioner has been examined in the Department in light of the Hon'ble CAT directions viz-a-viz the rules governing the subject matter and found that the case of the applicant namely Ms. Reeta Lecturer-I (OMCA) among others faculty members of Polytechnic sector stands already considered by the DPC/J&KPSC, in terms of J&K Reservation Act,2004 and rules made thereunder amended from time to time viz-a-viz the seniority position and instructions issued by GAD vide Circular No.10-JK(GAD) of 2021 dated 05.03.2021 and one post under SC category has been kept reserved by the DPC without giving any benefit of the respective reserve category (OMCA) as per the directions, passed by the Hon'ble Supreme Court and the instructions of GAD issued thereon, however, she has been considered for promotion against subsequent vacancy as per her seniority position. Hence, the claim of applicant is considered and rejected being devoid of any merits.

By order of the Government of Jammu and Kashmir.

Sd/-

**(Dr. Asgar Hassan Samoon) IAS
Principal Secretary to the Government**

No. DSD-Igl/24/2022-02-SDD

Dated:- 22-11-2022

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, GoI.
2. Secretary to the Government, Law Department.
3. Director, Skill Development J&K.
4. Director Archaeology, Archives and Museums, J&K.
5. Secretary, Public Service Commission.
6. OSD to Hon'ble Advisor (B), Incharge Department of Skill Development.
7. Senior Law Officer, Department of Skill Development.
8. PS to Principal Secretary, Department of Skill Development.
9. Government order file/ Incharge Website


(Fayaz Ahmad Bhat)

Under Secretary to the Government

