



**Government of Jammu and Kashmir
Department of Skill Development
Civil Secretariat Srinagar/Jammu**

Subject: Re-fixation of seniority of Mr. Khan Farooq Ahmad, Mr. Rajendra Kumar and Mr. Ghulam Mohd. Bhat as Superintendent ITI issued vide Government Order No 30-Edu (Tech) of 2002 dated 5.3.2002.

**Government Order No. 18 -JK (DSD) of 2026
Dated: 02.03.2026**

Whereas, Mr. Rajendra Kumar, Mr. Ghulam Mohd. Bhat and Mr. Khan Farooq Ahmad were serving in the Technical Education Department (now Department of Skill Development) as Demonstrator Polytechnic and I/c Superintendents ITI respectively; and

Whereas, pursuant to the notification No. 25-PSC of 1993 dated:06.09.1993 issued by the J&K Public Service Commission for the posts of Superintendent ITI, above incumbents applied through proper channel as in-service candidates against the said advertised posts and consequently vide Notice dated 19.8.1998 issued by the J&K PSC Mr. Rajendra Kumar and Mr. Ghulam Mohd. Bhat were selected figuring at Sr. 02 and at Sr. No. 03 respectively in the said selection list; and

Whereas, on the basis of the recommendations of the J&K Public Service Commission, Mr. Rajendra Kumar was appointed as Superintendent ITI vide Government Order No. 90-Edu (Tech) of 1999 dated 3.3.1999 and Mr. Ghulam Mohd. Bhat was appointed as Superintendent ITI vide Government Order No. 262-Edu (Tech) of 1999 dated 24.6.1999 under direct recruitment quota. Accordingly, both the officers joined on 05.03.1999 and 30.06.1999 respectively; and

Whereas, consequent upon joining of Mr. Ghulam Mohd. Bhat (in-service candidate) who was already holding the post of Superintendent ITI Kupwara on officiating basis as I/C Superintendent Kupwara, was allowed to continue as Superintendent ITI Kupwara on regular/ temporary basis vide Order No. 306 of 1999 dated 30.06.1999 issued by the Directorate of Technical Education; and

Whereas, in the year 2000, the Department submitted a proposal to J&K Public Service Commission for regularization/promotion to the post of Superintendent ITI including the name of petitioner namely Mr. Ghulam Mohd. Bhat and subsequently, after convening the DPC meeting on 03.10.2000, the J&K Public Service Commission vide letter No. PSC/DPC/ITI/9/93 dated 28.11.2000 conveyed the approval of the Commission for clearance of the officials for promotion/regularization to the post of Superintendent ITI. However, it is pertinent to mention that the name of Mr. Ghulam Mohd. Bhat was not included in the said approval; and

Whereas, on the basis of the recommendations of the J&K PSC, 37 officials including Mr. Khan Farooq Ahmad was regularized/promoted to the post of Superintendent ITI w.e.f. 01.01.1996 vide Government Order No. 653-Edu(Tech) of 2000 dated 14.12.2000; and

Whereas, a tentative seniority list of Superintendent ITI as on 31.12.2000 was circulated among the stakeholders for inviting objections wherein the respondent No. 4 i.e Mr. Ghulam Mohd. Bhat was shown junior to Mr. Khan Farooq Ahmad and Mr. Rajendra Kumar figuring at Sr. No: 23, 18 and 21 respectively; and

Whereas, vide representation dated 16.2.2001, Mr. Ghulam Mohd. Bhat raised objections and requested the Department for considering his claim for regularization from the date he was holding the post of Superintendent ITI on officiating basis; and

Whereas, the Department vide letter dated 02-08-2001 approached the J&K Public Service Commission with the proposal for considering the promotion of Mr. Ghulam Mohd. Bhat notionally from 01.01.1996 i.e the date from which the officer junior to him namely Mr. Khan Farooq Ahmad in the feeding cadre i.e. Junior Engineer, was promoted; and

Whereas, vide letter dated 22.10.2001, the J&K PSC was also informed that the said officer (Mr. Ghulam Mohd. Bhat) had applied for the post of Superintendent under direct quota on 13.9.1993 through proper channel and the J&K PSC selected him for the said post under No. PSC/Secy/Selection/98 dated 21.8.1998 and was appointed as Superintendent ITI under direct quota vide Government Order No. 262-Edu (Tech) of 1999 dated 24.06.1999 as in-service candidate; and

Whereas, the J&K PSC considered the departmental proposal and conveyed approval/recommendations for regularization of Mr. Ghulam Mohd. Bhat w.e.f. 01.01.1996 on notional basis to restore his seniority in cadre of Superintendent ITI vide letter No. PSC/DPC/ITI/9/93 dated 22-01-2002. On the basis of the said recommendations of J&K PSC, Mr. Ghulam Mohd. Bhat was promoted to the post of Superintendent ITI w.e.f. 1.1.1996, on notional basis to restore his seniority in the cadre of Superintendent ITI under promotion quota vide Government Order No. 26-Edu(Tech) of 2002 dated 08.02.2002 and accordingly the final seniority list was issued vide Govt. Order No 30-Edu(Tech) of 2002 dated 05.03.2002 wherein Mr. Ghulam Mohd. Bhat figured at Sr. No 18, Mr. Khan Farooq Ahmad at Sr. No. 19 and Mr. Rajendra Kumar at Sr. No. 22; and

Whereas, the approval of the J&K PSC for regularization of Mr. Ghulam Mohd. Bhat w.e.f. 01.01.1996 was based on the premise that the officer was holding the post of Superintendent ITI on officiating basis and his seniority as promotee should not have continued beyond the date he joined as direct recruit for the Superintendent ITI i.e. 30.06.1999 and he should have been re-assigned the seniority being direct recruit on the basis of merit secured in the selection list of J&K PSC in terms of Rule 24 of Jammu and Kashmir Civil Services (Classification, Control and Appeal Rules), 1956; and

Whereas, Mr. Rajendra Kumar being aggrieved with the fixation of seniority of Superintendent ITI, wherein Mr. Ghulam Mohd. Bhat was placed over and above to him approached the Department with the request to rectify the said seniority on the grounds that Mr. Ghulam Mohd. Bhat is also a direct recruit and his seniority should be as per the merit list issued by J&K PSC as direct recruit and also approached Hon'ble Court/Hon'ble Tribunal for re-fixation of the said seniority; and

Whereas, Hon'ble Central Administrative Tribunal, Jammu disposed of the case in T.A. No. 61/6020/2020 alongwith O.A. No. 61/494/2023 and Contempt Petition No. 61/151/2023 arising out of O.A. No. 61/494/ 2023 titled "*Rajendra Kumar Vs State (Now UT) of J&K & Ors* vide Judgment/Order dated 29.10.2025. The operative part of the said judgment is reproduced as under:-

"25. We are unable to subscribe to this contention, because if there is patent violation of the rule, the result would follow and the private respondent No. 3 who remained in the office for all those years on the basis of impugned seniority list cannot take the advantage of the situation. The submission is, therefore, devoid of any substance. The plea that it would cause great hardship to the private respondent No. 3. if his seniority is disturbed is also legally not tenable and thus, cannot be accepted. Suffice to say, that Hon'ble High Court, on the very first hearing, as an interim measure, has directed that any promotion if granted on the basis of change in seniority, shall be subject to result of the Writ Petition (SWP No. 278 of 2004) now T.A. No. 6020 of 2020. This Tribunal has also passed interim order in O.A. No. 494 of 2023, on 15.05.2023 whereby respondent department directed not to take further steps for the purposes of confirmation of promotions to the higher post in pursuant to impugned seniority list dated 10.05.2023. However, violation of aforesaid interim direction by the respondent department led to the filing of C. P. No. 151 of 2023 by the applicant.

26. For the reasons mentioned above, the impugned seniority lists cannot be held as valid, which is in violation of Articles 14 and 16 of Constitution of India. Needless, to say that any consideration for promotion accorded in favour of private respondent No. 3 on the basis of impugned seniority lists, which does not subscribe to the rule position, as mentioned hereinabove, would be non-est in the eyes of law.

27. In the premises aforesaid, we allow both the T.A. & OA quash the impugned seniority list dated 05.03.2002 and 10.05.2023 qua applicant and private respondent no. 3 and the respondent department is directed to reframe the seniority list of Superintendent ITI in the department of skill development by showing the applicant at his appropriate place based upon his merit in the select list, so prepared by the PSC after following the principles as laid down in Rule 24 of Rules of 1956.

28. Upon placing the applicant at his correct place in the seniority list. the respondent department shall consider the case of the applicant for his further promotions along with consequential benefits. It is made clear that the benefits. If any shall be given only on notional basis. Let the

*requisite consideration be accorded within a period of two months from the date of receipt of certified copy of this order. Disposed of as above along with contempt Petition, which stands closed.
Registry to return back the record to Mr. FA Natnoo, learned counsel for PSC.
No order as to cost."*

Whereas, pursuant to the judgment of the Hon'ble Tribunal, expert opinion with regard to the implementation of the judgment passed by Hon'ble CAT, Jammu in T.A. No. 61/6020/2020 along with O.A. No. 61/494/2023 and Contempt Petition No. 61/151/2023 arising out of O.A. No. 61/494/ 2023 titled "Rajendra Kumar Vs State (UT) of J&K, was sought from the Department of Law, Justice and Parliamentary Affairs, who in turn vide U.O. No. Law-Lit3/1472/2025-10 dated 12.12.2025 opined as under:-

*"Returned. An employee entering service through direct recruitment cannot continue to derive seniority or promotional benefits from an earlier officiating or in-charge position, however, the seniority list in question has remained in operation for over two decades and has formed the basis for multiple promotions and service arrangements. Any alteration of the settled seniority at this stage may lead to significant administrative implications, including disturbance of existing service positions, leading to cascading litigation.
The Administrative Department must therefore carefully assess the feasibility and advisability of revisiting the seniority issue at this stage. Ultimately, the decision to challenge the judgment of the Hon'ble Tribunal or to implement it, has to be taken by the Administrative Department , keeping in view the legal position, administrative repercussions and future implications".*

Whereas, the instant matter was further examined in light of the opinion tendered by the Department of Law, Justice and Parliamentary Affairs and it has been observed that the litigation/appeal shall serve no purpose as the Hon'ble Tribunal has touched all the aspects including various contentions raised by the Department. Moreover, in view of the legal position as laid down in Rule 24 of Jammu and Kashmir Civil Services (Classification, Control and Appeal Rules), 1956, the inter-se seniority in respect of the said officers i.e direct recruits needs to be re-fixed from the cadre of Superintendent ITI as well as cadre of Assistant Director/AAA/Principal Junior Scale; and

WHEREAS, the matter was placed before the Competent Authority and the Competent Authority approved the implementation of judgment passed by the Hon'ble Central Administrative Tribunal, Jammu Bench dated 29.10.2025, without setting any precedence for others.

Now, therefore, in compliance to the Hon'ble CAT judgment dated 29.10.2025 passed in T.A. No. 61/6020/2020 along-with O.A. No. 61/494/2023 and Contempt Petition No. 61/151/2023 arising out of O.A. No. 61/494/ 2023 titled "*Rajendra Kumar Vs State (Now UT.) of J&K & Ors* and connected matters, it is hereby ordered that the

following officers of Jammu and Kashmir Technical Education (Gazetted) Service (Now Department of Skill Development) shall and shall always be deemed to have been assigned seniority position(s), in the seniority list of officers of Jammu and Kashmir Technical Education (Gazetted) Service (Now Department of Skill Development) issued vide Government Order No. 30-Edu (Tech) of 2003 dated 05.03.2003 for the post of Superintendent ITI, as mentioned against each:

Name of the officer	Earlier Seniority position as Superintendent issued vide Govt. Order No: 30-Edu (Tech) of 2002 dated 5.3.2002	Seniority position after re-fixation
Mr.		
Ghulam Mohd. Bhat	18	22
Khan Farooq Ahmad	19	18
J.D Kapoor (Rtd)	20	19
Mian Singh (Rtd)	21	20
Rajendra Kumar	22	21

This shall, however, be without prejudice to outcome of the writ petition(s), if any, pending before the Competent Court(s) of Law.

By order of the Government of Jammu and Kashmir.

Sd/-

(Kr. Rajeev Ranjan) IAS

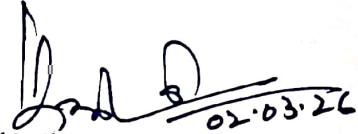
Secretary to the Government

Dated: 02.03.2026

No:DSD-Igl/5/2023-02 (7111360)

Copy to:

1. Financial Commissioner (ACS) Finance.
2. Joint Secretary (JKL), Ministry of Home Affairs, Govt. of India.
3. Commissioner/Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
4. Director, Skill Development, J&K
5. Director, Archives, Archaeology & Museums, J&K Jammu.
6. OSD with Hon'ble Deputy Chief Minister (I/c Minister Skill Development)
7. Additional Secretary (Legal), Department of Skill Development for inf. and n/action
8. Concerned Officers.
9. P.A. to Administrative Secretary, Department of Skill Development.
10. Incharge Website, Department of Skill Development.
11. Government Order w.2.s.c./Stock file


(Anil Kumar Raina)

Under Secretary to the Government