



Government of Jammu and Kashmir
Industries & Commerce Department
Civil Secretariat, Jammu/Srinagar

Subject: SWP No. 268/2017-titled Mohammad Ali Khan V/S State and others.

Government Order No. 14-IND of 2017
Dated : 14-09-2017

Whereas, the petitioner Shri Mohammad Ali Khan was initially appointed as Accountant-cum-Store Keeper in Massive Carpet Scheme.

Whereas, the post of Accountant-cum-Store Keeper was re-designated as Assistant Carpet Training Officer (ACTO) vide Govt. Order No. 136-IND of 2015 dated. 28-08-2015;

Whereas, the petitioner alongwith others were promoted as Manager in Massive Carpet Scheme vide Govt. Order No. 180-IND of 2015 dated 01-12-2015 pursuant to the order of the Hon'ble High Court passed in SWP No. 1672/2009-titled Mohamad Syed Makhdoomi and others;

Whereas, the said Manager filed two writ petitions before the Hon'ble High Court registered as SWP No. 268/2017 and SWP No. 313/2017 praying therein for his promotion as Senior Manager and to promote him as Manager retrospectively;

Whereas, the Hon'ble Court disposed of these writ petitions vide order dated 05-05-2017 and 31-05-2017 the operative part whereof are reproduced as under;

SWP No. 268/2017

"the petitioner is given liberty to file a representation alongwith copy of this Order before the respondents seeking relief of promotion as Senior Manager, which representation shall be considered in accordance with the rules governing the filed within a period of twelve weeks from the date copy of this order alongwith representation is filed."

SWP No 313/2017

" Granting liberty to the petitioner to make a comprehensive representation pointing out the details of his claim before Respondent No. 1. Upon such representation, Respondent No. 1 shall consider the representation of the petitioner and pass a speaking order with regard to claim of the petitioner on its own merits within a period of twelve weeks from the date of receipt of such representation alongwith a certified copy of this order."

Whereas, the issue was examined and it was found that the instant petitioner alongwith others were promoted as Managers vide Govt. Order No. 180-IND of 2015 dated 01-12-2015 pursuant to the judgment dated 09-02-2012 of the Hon'ble High Court. However, the petitioners who retired during pendency of the writ petition were also considered for their promotion as Manager in terms of the directions of the Hon'ble Court. The petitioners who retired prior to 01-07-2009 were given the benefit of promotion of 10 months prior to their date of actual retirement and those who retired after 01-07-2009 were given the benefit of such promotion one month prior to their retirement to get pensionary benefits in the promotional post;

Whereas, the instant petitioner is still in-service and he cannot be given the benefit of promotion as Manager retrospectively from the date the retired petitioners were promoted on the basis of the Court orders. Further, the petitioner never worked as Manager nor to his placement as Incharge of the post of Manager vide Govt. Order No. 180-IND of 2015 dated 01-12-2015; and

Whereas, the petitioner is neither figuring in the seniority list of Managers of Massive Carpet Scheme at place which qualified him for his promotion as Senior Manager nor there is any vacancy of Senior Manager in the Massive Carepet scheme at present, therefore he is not fit promotion to the post of Senior Manager at this stage;

Now, therefore, in view of the above facts and position, the claim of the petitioner for promoting him retrospectively as Manager and further as Senior Manager, has been found devoid of merit.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS
Commissioner/Secretary to the Govt.
Industries and Commerce Department

No: IND/legal-33/2017

Dated: 14 -09-2017

Copy to the:

- 1 Director, Handicrafts, J&K
- 2 Director, Director, Archives, Archeology and Museums, J&K.
- 3 OSD with Hon'ble Minister, Industries and Commerce.
- 4 Special Assistant to Hon'ble Minister of State, I&C.
- 5 Pvt. Secretary to Commissioner/Secretary to Govt. I&C.
- 6 Concerned.
- 7 I/C Website, I&C Deptt.
- 8 Govt. Order file (W2SCs)/Monday Return.
- 9 Stock file.


(Bilal Ahmad)

Under Secretary to Govt.
Industries & Commerce Department

