

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

Subject: SWP No 1111/2016-titled Bilal Ahmad Najar V/S State and others.

Government Order No: 125-IND of 2017
Dated : 21 - 04 - 2017

Whereas, Shri Bilal Ahmad Najar was initially appointed as Junior Assistant in Handicrafts (S&E) Corporation Ltd vide Order No. 1022/JKHC of 1987 dated 25-03-1987;

Whereas, vide Govt. Order No 222-IND of 1988 dated 29-07-1988 read with Govt. Order No. 414-IND of 1997 dated 01-10-1997, Carpet Training Centres under Massive Carpet Scheme alongwith the staff was transferred from Handicrafts (S&E) Corporation to J&K Handicrafts Department;

Whereas, all the employees numbering 468 of the said scheme were absorbed in the Handicrafts Department vide Govt. Order No 149-IND of 2005 dated 02-06-2005;

Whereas, vide Govt. Order No 198-IND of 2008 dated 25-07-2008, the employees of the scheme including petitioner were placed in the regular pay scales with their counterparts in Handicrafts Department;

Whereas, the above mentioned official has been placed as Assistant Carpet Training Officer, Massive Carpet Scheme in the pay scale of Rs. 9300-34800 + GP 4200 subject to clearance/confirmation by DPC vide Order No. 1112-HD of 2016 dated 15-01-2016 of Director Handicrafts;

Whereas, Shri Bilal Ahmad Najar approached the Hon'ble High Court through a medium of Service Writ Petition No 1111/2016 praying therein for directing the respondents to consider him to the post of Manager in Massive Carpet Scheme. The Hon'ble High Court disposed of the writ petition vide its order dated 11-11-2018, the operative part thereof reads as under:

"To consider the claim/representation of the petitioner and explore the possibility of according promotion in his favour against the available post of Manager in terms of the applicable rules and norms."

Whereas, the issue was examined and it was found that the post of Manager in Massive Carpet Scheme is to be filled up by promotion of Accountant-cum-Store Keeper as per the judgment of the Hon'ble High Court dated 09-02-2012 passed in SWP No 1672/2009, CMP No 3103/2009- titled Mohammad Syed Makhdoomi V/S State and Others. The petitioner has not been promoted as yet to the post of Assistant-cum-Store Keeper (now called ACTO).

He has been placed Incharge of the post of ACTO from 15-01-2016 pending clearance by DPC ; **(Annexure-I)**. The DPC has not cleared the petitioner as ACTO till date;

Whereas, there are seniors of petitioner working as Assistant Carpet Training Officers (ACTO) on ncharge basis who have a superior claim for promotion as Manager. All the cases shall be considered in the DPC after following due procedure, i.e. Seniority list, vigilance clearance, APRs, Integrity Certificate etc under the chairmanship of Director, Handicrafts.

Therefore, in the light of the above, the claim of the petitioner for his promotion against the post of Manager in Massive Carpet Scheme has been found pre-mature at this stage.

By Order of the Government of Jammu and Kashmir.


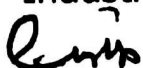
Sd/-
(Shailendra Kumar) IAS
Commissioner/Secretary to the Govt.
Industries and Commerce Department

Dated: 21 -04-2017

No: IND/Legal-107/2016

Copy to the:

1. Director, Handicrafts Department, J&K, Jammu, with the direction to convene the DPC for due promotions of the employees of Massive Carpet Scheme without any further dealy, following due procedure.
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 Official.
7. Incharge Website, I&C Deptt.
8. Govt. Order file (W2SCs)/Monday Return.
9. Stock file.


(Manzoor Ahmad Kenu)
Under Secretary to Government
Industries and Commerce Department


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Government of Jammu and Kashmir
Directorate of Handicrafts

ORDER NO: - 1112 -HD of 2016
DATED: - 15 -01- 2016

In the interest of administration, without prejudice to the seniority of others and pending clearance by the Departmental Promotion Committee, the following Junior Assistants of Massive Carpet Scheme Srinagar are hereby placed as Assistant Carpet Training Officers in the pay scale of 9300-34800 +4200 G.P, against available posts in Massive Carpet Scheme Srinagar, with immediate effect.

01. Smt. Maroofa Naziki
02. Sh. Bilal Ahmad Najar

However, this shall be subject to outcome of writ petition, if any pending before the Hon'ble Court.



Director Handicrafts
J&K Govt.

No. HD/Estt/C/5078-80

Dated: - 15-01-2016

Copy to the: -

01. I/c Massive Carpet Scheme, Srinagar for information & necessary action.
02. Accounts Officer (DO) for information & necessary action.
03. Concerned officials for information.
04. Office order file.