



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

Subject: Release of grade attached to the post of Project Manager in favour of Sh. C.M Mansotra.

Ref No: Contempt Petition No. 08/2010 in SWP No. 1908/2003 titled C.M Mansotra v/s Anil Goswami & Ors.

**Government Order: 100-IND of 2018**

**D a t e : 20.03.2018**

Whereas, Sh. Chinta Mani Mansotra was appointed as Industrial Promotion Officer (IPO) in the Industries & Commerce Department vide Order No. 103-Estt dated 07.09.1079 issued by Director, I&C under endorsement No. 791-EStt/1800-1980 dated 07.09.1980, and was posted in DIC Kathua;

Whereas, Sh. C.M Manotra along with eight (08) other IPOs was promoted as I/C Project Manager in his own pay and grade (OPG) vide Government Order No. 199-Ind of 1985 dated 10.06.1985;

Whereas, the Grade was released in favour of other I/C Project Managers vide Government Order No. 312-Ind of 1993 dated 10.12.1993 w.e.f 10.06.1985 except Mr. C.M. Mansotra as his name was involved in a corruption case during 1990 under FIR No. 28/90 P/S VOJ and prosecution sanction was also accorded by the Government against the officer vide Government Order No. 81-Home(vig) of 1994 Dated 11.06.1994;

Whereas, the name of the officer, figured at Sl. No. 15 of the final seniority list of Project Managers issued by the Industries & Commerce Department vide Government Order No. 58-Ind of 1997 dated 03.01.1997, wherein, it was mentioned in the remarks column that his case for release of regular grade w.e.f 10.06.1985 is under consideration;

Whereas, in the case file No. 26/challan dated 11.10.1999 titled State v/s Mr. M.L Wali, the then GM, DIC Kathua, C.M Mansotra, then Project Manager, DIC Kathua and others, the court of Special Judge Anti-Corruption in its order dated 21.02.2009 acquitted the accused officers/officials of DIC Kathua including Sh. C.M Mansotra of the charges framed against them under sections 420-A, 167-A, 120-B/IPC and 5(2)/PC Act 2006;

Whereas, the State Government through State Vigilance Organization filed an appeal in J&K High Court, Jammu against the acquittal order of Special Anti-Corruption Court vide Cr.acq.Appeal No. 38/2009 titled State of J&K v/s C.M Mansotra and others which was



dismissed on 10.02.2015 by the Hon'ble High Court upholding the acquittal order of the Special Anti-Corruption Court;

Whereas, Sh. C.M Mansotra filed SWP No. 1908/2003 and prayed for considering him by the respondents for grade release w.e.f 10.06.1985 alongwith all consequential benefits. The writ petition was disposed of by the Single Bench of the Hon'ble High Court, J&K Jammu vide its judgment dated 15.10.2009 in favour of the petitioner, the operative part whereof reads as under:

***"This petition is accordingly disposed of by issuing a direction to the State-respondents to consider the Petitioner's case for his placement in the pay scale attached to the post of Project Manager against which he was promoted, in his own pay and grade vide Government Order No. 199-Ind of 1985 dated 10.06.1985 with effect from the date respondent No. 4 to 7 were placed in the Grade and pass appropriate orders thereon as warranted under law.***

***In the event of Petitioner's placement in the Project Manager's Grade, the respondents shall further consider his entitlement or otherwise to further service benefits, as allowed to similarly situated employees and pass appropriate orders in accordance with the rules governing the service conditions of the petitioner.***

***State and its functionaries to ensure compliance of the directions, aforementioned, within three months."***

Whereas, the above court judgment in favour of Sh. C.M Mansotra could not be implemented by releasing the pay scale attached to the post of Project Manager in favour of the Officer from the date it was due to him with all consequential benefits, the officer filed a Contempt Petition No. 08/2010 in SWP 1908/2003 titled 'C.M Mansotra V/s Anil Goswami and Ors';

Whereas, the Hon'ble High Court in its order dated 07.03.2018 in the aforementioned Contempt Case passed following directions:

***"Mr. Magotra, learned GA assures the Court that he will file the compliance report within two weeks positively. In the interest of justice, appearance of respondent No.1 is deferred till next date of hearing and further two weeks time is granted for filing the compliance report. It is made clear that in the event the compliance report is not filed by or before the next date of hearing, respondent No.1-Commissioner Secretary to Government, Industries & Commerce Department shall appear in person to explain in person his position on the next appointed date.***

***Listed on 23.03.2018.***

***Copy of this order be provided to Mr. Sudesh Magotra, learned GA for compliance."***

Whereas, the State Vigilance Organization vide its letter No. VO-FIR-28/1990-J-3397-98 dated 28.02.2018 has also conveyed that the judgment of the Hon'ble High Court dated 10.02.2015 in the Case Cr.Acq.Appeal No. 38/2009 titled State V/s C.M Mansotra and others



(Case FIR No. 28/1990 P/S VOJ) has been examined and accepted as final and has not been challenged in any upper Court.

Now therefore, upon detailed examination of the case in the I&C Department, sanction is hereby accorded to the release of pay scale of Rs. 1000-1560 attached to the post of Project Manager in favour of Sh. C.M Mansotra retrospectively w.e.f 10.06.1985.

On the event of release of pay scale attached to the post of Project Manager in favour of Sh. C.M Mansotra w.e.f 10.06.1985, sanction is also accorded to forwarding the case of Sh. C.M Mansotra, Project Manager, who retired on superannuation on 31.03.2011, to the General Administration Department being the Competent Department for further considering his case for consequential benefits, if any, which have accrued to other similarly situated Project Managers of the I&C Department such as induction into KAS.

**By order of the Government of Jammu and Kashmir.**

Sd/-

(Shailendra Kumar)

Commissioner/Secretary to Government  
Industries & Commerce Department

Dated: 20.03.2018

No: IND/Legal-51/2018

Copy to the :

1. Commissioner/Secretary to the Government, General Administration Department.
2. Director, Industries & Commerce, Jammu/Kashmir.
3. Director, Archives, Archaeology and Museums, J&K.
4. Sh. Sudesh Magotra, Government Advocate for I&C Department to file the compliance report in the Hon'ble High Court.
5. OSD to the Hon'ble Minister for Industries & Commerce.
6. Special Assistant to Hon'ble MoS, Industries & Commerce Department.
7. Pvt. Secretary to the Chief Secretary, J&K.
8. Pvt. Secretary to the Commissioner/Secretary to Government, I&C Department.
9. Incharge website, I&C Department for uploading the order on website.
10. Government Order file (w2spc).

(Mohammad Ayub)

Under Secretary to Government  
Industries & Commerce Department