



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

Subject: SWP No. 848/2018, MP No. 01/2018 titled Mohammad Ali Khan Vs Ors.

**Government Order No: 192-IND of 2018**  
**D a t e d : 02-08-2018**

Whereas, the petitioner Shri Mohammad Ali Khan was initially appointed as Accountant-cum-Storekeeper in Massive Carpet Scheme;

Whereas, the post of Accountant-cum-Storekeeper was re-designated as Assistant Carpet Training Officer (ACTO) vide Government Order No. 136-Ind of 2015 dated 28.08.2015;

Whereas, the petitioner alongwith others was promoted as Manager in the Massive Carpet Scheme vide Government 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 Mohammad Syed Makhdoomi and Ors V/S State and others;

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

Whereas, both the writ petitions were disposed off by the Hon'ble Court directing the respondents to consider the claim of the petitioner. Pursuant to the directions of the Hon'ble High Court, the claim of the petitioner for promoting him retrospectively as 'Manager' and further as 'Senior Manager' was examined and rejected vide Government Order No. 215-Ind of 2017 dated 14.09.2017 for being devoid of merit;

Whereas, the petitioner Shri Mohammad Ali Khan, has again approached the Hon'ble High Court through SWP No: 848/2018, seeking implementation of court order in letter and spirit as well as promoting him to the post of Senior Manager, MCS retrospectively like other similarly situated persons cases were allowed their promotion as Manager retrospectively pursuant to Hon'ble Court Order;

Whereas, the Hon'ble High Court has passed the following interim order dated 23.04.2018 in this writ petition.

***" Notice in MP also. In the meanwhile, respondents shall consider the representation of the petitioner and take a decision thereon within notice period"***

Whereas, the issue was again examined and it was found that the instant petitioner alongwith others were the petitioners before the Hon'ble High Court in case titled Mohammad Syed Makhdoomi & Others V/S State and others, and was promoted to the post of 'Manager' vide Govt. Order No. 180-IND of 2015 dated 01.12.2015 on the directions of the Hon'ble High Court passed in the said writ petition. However, the petitioners who had retired during pendency of the said writ petition were also considered for promotion as 'Manager' in compliance to the direction of the Hon'ble Court. The petitioners who retired prior to 01.07.2009 were given benefit of promotion of 10 months prior to their date of actual retirement and those who retired after 01.07.2009, were given benefit of such promotion one month prior to their retirement with the prior approval of the

Finance Department to enable them to get pensionary benefits in the promotional post as compassionate and welfare measure;

Whereas, the petitioner has never worked as 'Manager' nor was ever placed as incharge of the post of Manager in MCS before the issuance of Govt. Order No. 180-IND of 2015 dated 01.12.2015;

Whereas, seniority position of Managers of MCS as per the Circular notification issued by Director Handicrafts, J&K vide it No. HDD/Estt/D/669-71 dated 04.03.2005 is as under:-

Seniority position	Name of the Manager MCS	Date of Birth	Remarks
1	Gh.Nabi sheikh	25.11.1949	Retired before accrual of vacancy of Sr. Manager, MCS.
2	Fatima Bano	07.08.1952	
3	Abdul Salam Dagga	13.01.1951	
4.	Nazira Wani	11.03.1952	
5	Kuldeep Kumar Koul	01.03.1953	
6	Sheikh Nisar Hussain	15.04.1951	
7	Tabasum Syed	16.04.1957	Was promoted as Sr. Manager MCS vide Govt.Order No.197-IND of 2016 dated 18.11.2016 and retired on 30.04.2017
8	A.Q.Parray	26.08.1953	Retired before 30.04.2017, when the post of Sr.Manager MCS became vacant on the retirement of Tabasum syed( s.No.07).
9	Nisar Ahmad Misgar	26.03.1953	
10	Masooda Parveen	08.09.1951	
11	Mohd. Ashraf Sheikh	17.02.1953	
12	Bashir Ahmad Lone	05.03.1955	
13	Mohd.Ayoub Ahmad	14.04.1952	
14	Mohd Yousuf Gilkar	13.04.1950	
15.	Mehraj-ud-Din Malik	01.04.1952	
16.	Mohd.Ashraf Charga	13.04.1950	
17.sa	Sheikh Mohd.Maqbool	20.12.1953	
18.	V.K.Sharma	28.09.1953	
19.	S.S.Badwal	10.01.1952	
20.	Ranjit Singh	01.01.1950	
21.	U.K.Tikoo	15.03.1951	
22	R.C.Salmotra	20.05.1953	
23.	Nazir Ahmad Kathwari	20.03.1949	
24.	R.K. Moza	01.11.1949	
25.	Nazir Ahmad Makroo	15.03.1948	
26.	Farooq Admad Wani	19.10.1954	
27.	Mohd. Maqbool Ganie	15.04.1953	
28	Gh. Mohd. Matoo	15.03.1952	
29.	T.C.Sharma	02.01.1953	



30.	Mohd.Latief	01.01.1958	Promoted as Sr. Manager MCS vide Govt. Order No.194-IND of 2017 dated 04.08.2017 against the vacancy of Sr.Manager created due to retirement of Tabasum Syed on 30.04.2017 Officer retired on 30.12.2017.
31.	V.K.Sharma	31.05.1954	Retired before 30.12.2017 when the post of Sr. Manager became available/vacant due to retirement of Mohd. Latief (S.NO. 30)
32.	Banarsi Lal	03.09.1952	
33.	Mohd.Sadiq	08.06.1955	
34.	Baghwan Dass ( Petitioner)	20.03.1957.	
35.	Mohd Aziz	11.03.1957	Promoted as Sr. Manager MCS vide the Govt. Order No. 39-IND of 2018 dated 02.02.2018 against the vacancy of Sr. Manager MCS created due to retirement of Mohd. Latief on 30.12.2017 officer retired on 30.04.2018.
36.	V.K Singh	05.04.1958	
37.	Ram Singh	06.03.1948	Retired before accrual of Vacancy of Sr. Manager MCS
38.	R.C Vaid	28.02.1957	
39.	Jai Lal	13.02.1957	
40.	Mohd. Syed	12.10.1957	
41.	Rajinder Kumar	15.09.1959	
42.	Khursheed Ahmad	24.11.1957	Retired before accrual of vacancy of Sr. Manager
43.	Narinder Gupta	10.05.1953	

Now, therefore, in view of the above facts, the representation of the petitioner for promoting him as Manager (MCS) retrospectively has been found devoid of merit. The further claim of the petitioner to promote him as Sr. Manager has also been found not based on merit. His promotion to the next grade/post shall be considered by the designated DPC after completion of statutory period in the present grade/post, subject to availability of post, vigilance clearance, Integrity Certificate and APRs as prescribed under J&K CSR.

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

Sd/-

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

No: IND/Legal/192/2008

Dated: 02-08-2018

Copy to the:

- 1 Director, Handicrafts Department, J&K, Srinagar.
- 2 Director, Archives, Archeology and Museums, J&K.
- 3 Private Secretary to Advisor (V) for information.
- 4 Pvt. Secretary to Principal Secretary to Govt. I&C.
- 5 Incharge Website, I&C.
- 6 Govt. Order file (W2SCs)/Monday Return.
- 7 Stock file.

*Mans*  
27/08/18

(Mohammad Ayoub)  
Under Secretary to the Govt.  
Industries & Commerce Department

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