



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

Subject: Contempt Petition No. 834 of 2017 in SWP No. 671/17-titled Khursheed Ahmad Sheikh and others v/s State of Jammu and Kashmir.

Ref: HD/Legal/1548 dated 06.06.2016 of Directorate of Handicrafts.

Government Order No: 83-IND of 2018

Dated: 15.03.2018

Whereas, Shri Khursheed Ahmad Sheikh and Others holding the post of ACTO in MCS, filed a writ petition registered as SWP No. 671/2016 in the Hon'ble High Court praying therein for promoting them to the post of Manager on the basis of seniority;

Whereas, the Hon'ble High Court disposed of the writ petition vide its order dated 30.03.2016, the operative part whereof read as under:

“to consider the claim/representation of the petitioner and explore the possibility of according promotion in their favour against the available post of Managers in terms of the applicable rules and norms.”

Whereas, the issue was examined and it was observed that three(03) incumbents namely Hasina Akhtar, Akeeda Mahajan and Iftikhar Majeed, ACTO, MCS who were the petitioner of SWP No. 671/2016 have been considered by this department for their placement as Incharge Managers, MCS vide Govt. Order No. 251-IND of 2017 dated 26.10.2017. However, Shri Khursheed Ahmad Sheikh who was also the petitioner in the writ petition could not be considered for his placement to the post of Manager at that point of time on the ground that he is only a middle pass;

Whereas, the petitioner was initially engaged in Massive Carpet Scheme which was observed in the Handicrafts Department vide Govt. Order No.149-IND of 2005 Dated 02.06.2005. After its absorption in the Handicrafts Department as a separate scheme, no rules have been framed to regulate the scheme till date. However, pursuant to the judgments of the Hon'ble High Court passed in SWP No.1172/2009 titled 'Mohammad Syed Maqdoomi and Ors. V/s State and Ors.', the Accountant-Cum-Storekeeper now called Assistant Carpet Training Officers were/are being considered to the post of Manager. Though the rules as were in vogue in the Corporation

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provided qualification for the post of Manager as well as Accountant-Cum-Storekeeper as graduation yet these rules were not followed in real spirit while making recruitments and promotions in the said Corporation as persons with lower qualification were appointed/promoted in the Corporation. Had these rules been followed strictly, the petitioner who is a middle pass would not have been appointed as Accountant Cum Storekeeper.

Whereas, while according promotion to the ACKs to the post of Manager which is carrying pay scale of Rs. 9300-34800 + GP 4800 and involves greater responsibility, it was found that the petitioner is a middle pass and therefore not suitable to be promoted as Manager.

Therefore, in view of the above facts and position the claim of the petitioner, Sh. Khursheed Ahmad Sheikh has been found devoid of merit.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS
Commissioner/Secretary to Government
Industries & Commerce Department

No: IND/Legal-HD-55/2016

Dated: 15.03.2018

Copy to the:

1. Advisor to Hon'ble Chief Minister, J&K.
2. Director, Handicrafts, J&K Jammu.
3. Director, Archives, Archeology and Museums, J&K Srinagar.
4. OSD to the Hon'ble Minister, Industries & Commerce Department.
5. Special Assistant to Hon'ble Minister of State, I&C.
6. Pvt. Secretary to Commissioner/Secretary to Govt., I&C for information of the Commissioner/Secretary.
7. Incharge Website, I&C Department.
8. Govt. Order File (W.2.spcs)/Monday Return.
9. Stock File.


(Bilal Ahmad)

Under Secretary to Government
Industries Commerce Department

