



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

Subject: Utilization of three(03) promotion quota posts of Industrial Promotion Officers(IPO) for direct recruitment in relaxation of rules till the vacancies in the Direct Quota accrue.

**Government Order NO: 199-IND of 2019
D a t e d: 12-09-2019**

Whereas, the Industries & Commerce Department referred eight (08) direct quota vacancies of Industrial Promotion Officers (IPOs), of Divisional Cadre Kashmir to the J&K, SSB vide indent NO.IND/DIC-11/2012 dated 18.03.2013. The category-wise distribution of these vacancies of IPOs referred to the JK,SSB was: OM=05, RBA=01, SC=01 and OSC=01; and

Whereas, the J&K, SSB advertised these above referred (08) posts of IPOs of Division Cadre Kashmir vide Item NO. in Advertisement Notification No. 06 of 2013 dated 10-05-2017, with category-wise distribution as OM=05, RBA=01, SC=01 and ST=01. The SSB instead of making selection against one vacant OSC category post of IPO of Division Cadre Kashmir made selection of an ST category candidate, namely Mr. Masood Ahmad S/O Ghulam Rasool R/o Chowkiyal, Kargil and forward the same to the Industries & Commerce(I&C) Department vide its No. SSB/Secy/Sel/2017/13140-46 dated 13.12.2017; and

Whereas, while forwarding the select list the Service Selection Board made selection of one Mr. Masood Ahmad S/o Ghulam Rasool R/o Chowkiyal, Kargil under ST category instead of OSC category and accordingly the matter was taken up with the Service Selection Board who vide Order No. 63-SSB of 2018 dated 15.01.2018 withdrew the selection of Mr. Masood Ahmad as Industrial Promotion Officer; and

Whereas, Mr. Masood Ahmad S/o Ghulam Rasool R/o Chowkiyal, Kargil, aggrieved of the aforementioned order of JK,SSB regarding withdrawal of selection/recommendations of IPO under Notification No. 06 of 2013, Item No.307 approached the Hon'ble High Court through the medium of SWP No.173/18, MP No.01/18 and the Hon'ble High Court in its order dated 19.02.2018 directed as under:

"Petitioner was selected for the post of Industrial Promotion Officer in the Industries & Commerce Department by the Jammu and Kashmir Service Selection Recruitment Board but on the account of want of certain qualification certificate, his name could not be recommended for appointment, which certificate subsequently appears to have been submitted by the petitioner. On submission of the said certificate, the respondent Board by virtue of communication dated 11.01.2018, recommended the name of the petitioner for appointment against the aforementioned post.

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Learned counsel for the petitioner submitted that even though the case of the petitioner stands recommended for appointment as Industrial Promotion Officer and that a representation has also been filed in this regard by the petitioner before the authority concerned, his case is not being considered for issuance of the appointment order.

Keeping in view the controversy at hand, this petition is disposed of at this stage without issuing notice to the respondents, with a direction that the respondent No.1, shall take an appropriate decision with regard to the appointment of the petitioner in view of the recommendation made in his favour by the respondent Board, within a period of two weeks from the date a copy of this order is made available to the aforementioned respondent by the petitioner. Connected MP is also disposed of."

Whereas, the matter was considered and it was notice before passing of orders by Hon'ble High Court, the recommendation stands already withdrawn by the board and the said fact was not brought in the knowledge of Hon'ble High Court by the petitioner. The case was already examined in the Department with reference to the withdrawal of the recommendation in favour of petitioner by the Service Selection Board vide their Order No.63-SSB of 2018 dated 15.01.2018 and no case is made out in favour of petitioner for the purpose of appointment, as no post exists in the ST category in which the petitioner was initially recommended. The SSB has referred the post in the said category inadvertently otherwise the said post belonged to OSC category; and

Whereas, the SSB rectified its mistake and withdrew its recommendation, as such, the petitioner cannot be appointed on the said post on the basis of law as well in absence of any recommendation in favour of the petitioner from the recruiting agency.

Now, therefore, in view of the above position, the claim of the petitioner has been found devoid of merit and hence rejected.

By order of the Government of Jammu & Kashmir.

**Sd/-
(Navin Kumar Choudhary), IAS
Principal Secretary to Government
Industries and Commerce Department**

NO:IND/Legal-45/2018

Dated: 12-09-2019

Copy to the:

1. Commissioner/Secretary to Govt. General Administration Department for information.
2. Director, Industries and Commerce, Jammu/Kashmir for information.
3. Secretary, Services Selection Board, J&K, Srinagar for information.
4. Director, Archives, Archeology & Museums, J&K.
5. Pvt. Secretary to Prpl.Secretary, I&C for information to Prpl.Secretary.
6. Mr. Masood Ahmad S/o Ghulam Rasool R/o Chowkiyal, Kargil for information.
7. In charge Website, I&C Department
8. Government Order file/Stock file.

(Sanjeev Kumar)
**Under Secretary to the Government,
Industries and Commerce Department**

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