

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

**Subject: O.A. No. 61/2022 Titled Mohammad Rajab Rather V/s Govt. of J&K & Ors.**

**GOVERNMENT ORDER No: 90 – (JK) IND OF 2022**

**DATED: 07 .06.2022**

Whereas; Mr. Mohammad Rajab Rather was engaged as Adhoc Jr. Craft Instructor vide Joint Director handicrafts order No. JDHK/Estt/3793-96 dated 20-05-1999 in Directorate of Handicrafts, Department of Industries and Commerce, and;

Whereas, Mr Rajab was regularized in terms of Jammu & Kashmir (Special Provisions) Act, 2010 against the post of Jr. Craft Instructor (Carpet Weaving) in the Pay Scale attached with the post i.e. 5200-20200+GP 1900/- in relaxation of upper age by 4 Years, 1 Month and 13 days by virtue of a Govt. Order No. 14-IND of 2017 dated 20.01.2017, and;

Whereas; Mr. Rajab submitted representations before the authorities regarding his pay anomaly wherein he has pleaded that there is anomaly of pay scale vis-a-vis other Jr. Craft Instructors in the department, and;

Whereas; the representation of Mr. Mohammad Rajab Rather, Jr. Craft Instructor was examined in the department and since the settlement of all pay anomalies is the domain of Finance Department, the case was required to be forwarded to the Finance Department for their opinion/advice, and;

whereas; the Finance Department was requested to consider the case of pay anomaly of Mr. Rajab on the grounds that all other Jr Craft Instructors are functioning at the pay scale of 5200-20200+2400 GP (Pre-revised) and;

Whereas; the Finance Department vide U.O. No. FD/Code/6/2021-03-957 dated 30.09.2021 returned the instant case with the following advice:-

*"Returned: Proposal has been examined in the Finance Department and the department is advised as under:-*

*Since the official has been regularized in terms of Jammu and Kashmir Civil Services (Special Provisions) Act, 2010 against clear vacancy which he was holding on adhoc/Contractual basis, as such, the departmental proposal cannot be accepted being devoid of any merit."*

Whereas; the applicant namely Mohammad Rajab Rather filed Original Application bearing O.A No.61/2022 before the Hon'ble CAT, Bench Srinagar.

Whereas; the said O.A was disposed of by the Hon'ble Tribunal, Srinagar vide its order dated 04.02.2022 with the following directions:-

**"...respondent No.01/competent authority is directed to consider the representation of the applicant dated 02.09.2021 by passing a reasoned and speaking order, within a span of four weeks from the date of receipt of a certified copy of this order and the decision so taken shall be communicated to the applicant forthwith."**

Whereas; taking cognizance of the order dated 04.02.2022 issued by the Hon'ble Tribunal, Srinagar, the case was examined in the department in light of the opinion tendered by the Finance Department and it was observed that the Finance department is the sole authority that could consider the cases of Pay anomalies and;

Now therefore, in view of the opinion tendered by Finance Department, it is clear that Mohammad Rajab Rather, Jr. Craft Instructor (Carpet Weaving) was regularized in terms of Jammu and Kashmir Civil Services (Special Provisions) Act, 2010 against clear vacancy which he was holding on adhoc/Contractual basis and the representation/ application submitted by Mr. Mohammad Rajab Rather, Jr. Craft Instructor (Carpet Weaving) for pay anomaly is found devoid of merit and hence rejected.


**Sd/-  
(Vivek Bharadwaj) IAS  
Financial Commissioner/  
Additional Chief Secretary**

No.: - IC-Lgl/34/2022-02

Dated: 07.06.2022

Copy to : -

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Director, Archives, Archaeology and Museums, J&K.
3. Director, Handicraft and Handloom, Kashmir.
4. Private Secretary to Principal Secretary to Govt. Industries & Commerce Department.
5. Concerned.
6. Government Order file (w.3.s.c)

  
(Abid Khan)  
Under Secretary to the Government  
