

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

Subject:-Establishment of Date of birth of Smr. Shahzada, Helper(retired), Directorate of H&H Kashmir.

Government Order No. 39 -JK(IND) of 2025

Dated: 05.05.2025.

Whereas, Director, Handicrafts & Handloom Kashmir vide letter No. DHHK/Estt/118/2022-02/5305 dated 21.11.2022 forwarded the case of Smt. Shahzada, Helper with regard to establishment of her date of birth to the Administrative Department as the Principal Accountant General (A&E) J&K vide letter No. PNR-IV/S-3/217083/22-23/536-37 dated 18.08.2022 raised the following observation:

"In this connection it is intimated that as per the page 1st of service book there are two date of births recorded in favour of the above named pensioner and Director Handicrafts and Handloom Kashmir is not competent authority to establish the date of birth. In this regard the case may be sent to concerned Administrative Department for establishment of date of birth of above retiree as per Rule 35 (c) of CSR Vol-I read with rule 6.4 of J&K Financial Code Vol-I and after needful done the same may be sent to this office for further necessary action at this end..."

Whereas, Administrative Department vide letter No.IC-HHD/130/2022-02 dated 22.12.2022 requested Director, H&H Kashmir to clarify the following:

- (i) Why two Date of Births were recorded on the service book of the retired official?
- (ii) What was the need to have Medical Board's Certificate when school leaving certificate was already there?
- (iii) What were the Committee's recommendation after getting the Medical Certificate verified.
- (iv) The School leaving Certificate is not available with the case, the same may be made available.

Whereas, Director, H&H Kashmir vide letters dated 17.02.2024 & 13.03.2023 furnished the reply which was incomplete viz-a-viz the following points:

- (i). It was not clear that why two Date of Births were recorded on the service book of the retired official
- (ii). Why her age was assessed from CMO instead of Medical Board and
- (iii). If in the opinion of the Committee, the age was assessed from CMO Srinagar, then why after verification of age from CMO , Srinagar, the case was not submitted before the Committee for its recommendations.
- (iv). Re-verification of Date of Birth needs prior approval of the Administrative Department which in the case of Smt. Shahzada, Helper has not been obtained.
- (v). When a person/employee is literate and having a School Leaving Certificate, the proposal of obtaining Medical Board Certificate seems unjustifiable, although the concerned school as on date of closed.
- (vi). Smt. Shahzada, Helper is Middle pass and is having school leaving certificate which shows her DoB as 04.05.1962 the same cannot be superseded by the Medical Certificate. As such, the DoB as 04.05.1962 needs to be established on the basis of School Leaving Certificate subject to its counter-signatures by the concerned Chief Education Officer/ Zonal Education Officer.

Whereas, the Department vide letter No. IC-HHD/130/2022-02 dated 14.11.2023 again took the matter regarding clarification of points raised with the Director, Handicrafts and Handloom, Kashmir with the request to furnish the reply as the reply furnished by them vide letter dated 21.09.2023 is apparently incomplete.

Whereas, the Director, Handicrafts and Handloom, Kashmir vide letter No. DHHK/Estt/118/2022-02/4886 dated 02.12.2024 submitted the point- wise reply alongwith clarification which as under:

- (i). The Directorate of H&H Kashmir has put strenuous efforts to dig out the reasons as to why two dates of birth have been recorded on the service book of the concerned official, however nothing concrete came forth. It is pertinent to mention here that after the absorption of Massive Carpet Scheme, Kashmir in the Handicrafts Department, its Daily Rated Workers were regularized as Helpers during the years 1994 & 1995 vide different Government Orders. The service book of the

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retired official along with other Helpers has been constructed/prepared in the office of Massive Carpet Scheme.

- (ii).The verification of the age certificate issued by CMO vide No.CMO/Sgr/MB/1853 dated 01.07.2021 has been authenticated by the standing Medical Board later. However, it didn't clarify why the age was assessed by Chief Medical Officer instead of the Medical Board.
- (iii) The case was not submitted to the Committee after the age certificate of the official got verified from CMO, Srinagar due to the retirement of the senior member of the Committee.

Whereas, in the year 2018, one of the employee of Massive Carpet Scheme filed a writ petition under SWP No.1651/2018 titled Surat Jan V/s State and others, in the Hon'ble High Court of J&K, wherein doubts were raised about the qualification & date of birth certificates of the private respondents. It was also prayed in the said writ petition that the qualification/matriculation certificates of the private respondents be got verified from JKBOSE, Srinagar. The said writ petition was disposed of by the Hon'ble Court vide Order dated 25.07.2018, the operative portion of which reads as under:-"

"In view of the aforesaid statement of the learned counsel for the petitioner, the writ petition is disposed of with a direction to the respondents to accord consideration to the claim of the petitioner as detailed in the writ petition."

In compliance to aforesaid order dated 25.07.2018, the matter of the verification of the date of birth/Qualification certificates of the employees of Massive Carpet Scheme was taken up with the concerned authorities & it is in this context that the D.o.B of Smt. Shahzada was also verified".

Whereas, on the directions of the Hon'ble court under SWP No.1651/2018 titled Surat Jan V/s State and others, upon verification of School Leaving Certificate issued by the Principal, New Child Care School, Qamarwari in favour of Smt. Shahzada , Helper has come out to be not genuine.

Whereas, in the instant case the age certificate issued by the CMO, Srinagar stands authenticated by the standing Medical Board & pertinently, the official superannuated on 30.06.2022 by taking her date of birth as 10.06.1962(as per the certificate issued by CMO) & the difference between two dates of birth is just 01 month.

Whereas, the case has been examined in the Department in light of the factual details, documents i.e Date of birth certificate issued by CMO, verified by

- Standing Medical Board, it came to the fore that the date of birth of Smt. Shahazada, helper, MCS, Directorate of Handicraft and Handloom, Kashmir is 30.06.1962 and she has retired on due date.

Now, therefore, in terms of Article 35 AA (C) of J&K CSR Volume Volume -I and the recommendation(s) made by the Director, H&H Kashmir and due to the fact that the ex-Helper has remained in active-service up-to 30.06.2022 (the date she was supposed to superannuate as per Medical Certificate) it is hereby ordered that:

1. Director, Handicrafts and Handloom, Kashmir shall record the correct Date of Birth of Smt. Shahzada, Helper, Massive Carpet Scheme, in her service book as calculated by Medical Board.
2. Smt. Shahzada, Helper, MCS, Handicrafts and Handloom, Kashmir shall be deemed to have been retired on superannuation from Government service in the afternoon of 30.06.2022.

By order of the Government of Jammu and Kashmir.

Sd/-

(Vikramjit Singh)IPS

Commissioner/Secretary to the Government

Dated. 05.05.2025

No:-IC-HHD/130/2022-02

Copy to :

1. Joint Secretary(J&K), Ministry of Home Affairs, GoI.
2. Secretary, Industries and Commerce Department for information.
3. Director, H&H Kashmir.
4. Director Finance, Industries and Commerce, J&K for information.
5. Additional Secretary to the Government, I&C for information.
6. Private Secretary to Commissioner/Secretary to the Government, Industries and Commerce Department for information of the Commissioner/Secretary
7. Concerned Official.
8. Government Order file/stock file.

Akshi Gupta

(Akshi Gupta)JKAS

Technical Officer