



Government of Jammu and Kashmir  
Power Development Department  
HRM Branch  
Civil Secretariat, Srinagar

Subject:- SWP No. 54/2015, CMA No. 58/2015 titled Mohd. Shafi Dar Vs State and Others.

Government Order No:- 147-PDD of 2015  
D a t e d :- 22-07-2015

Whereas, Shri Mohammad Shafi Dar filed SWP No. 54/2015 CMA No. 58/2015 dated 14.01.2015 titled Mohd. Shafi Dar Vs State and Others in the Hon'ble High seeking directions from Hon'ble High Court for his absorption in the Civil Engineering staff of the Power Development Department on the analogy that his counterparts who were posted in the Power Development Department have been already absorbed in the Civil Engineering Cadre of Power Development Department and has further sought directions form Hon'ble High Court for fixation of his seniority in the said cadre and promotion to the post of I/C Assistant Executive Engineer as has been given to private respondents No. 2 &3 by the Power Development Department./ Further with a direction in the nature of writ of certiorari for quashing Government Order No. 265-PDD of 2008 dated 04.08.2008 , Order No. 1-PDD of 2009 dated 01.01.2009 read with Government Order No. 6-PDD of 2015 dated 06.01.2015; and

Whereas, the Hon'ble High Court has disposed of the petition and passed the orders on 14.01.2015. The operative part of the judgment is reproduced as under:-

*"Ld. Counsel for petitioner states that petitioner confident of merit in his claim and expecting respondents to set right his grievance, would feel satisfied atleast for present in case petition is disposed of with a direction to respondents to accord consideration to petitioner's claim of placing him as incharge Assistant Executive Engineer on the lines consideration has been accorded in case of respondents 2 and 3 and other respondents, who according to the petitioner, are junior to him.*

*Petitioner is disposed of with a direction to the respondents to accord consideration to the petitioner's claim in light of the averment made in the petition, annexures appended thereto and the rules occupying the field and take a decision in the matter within four weeks from the date of receipt of copy of this order so that petitioner is not compelled to re-agitate the matter.*

*Disposed of."*

Whereas, a separate cadre of Civil Engineers was created in the Power Development Department in pursuance of Government order No. 126- PDD of 1992 dated 16-7-1992 pursuant to the directions of the Hon'ble High Court.

Whereas, as per the records of the department, the Power Development Department have 32 sanctioned post of JE Civil Engineers; and

Whereas, in the year 2007, on the direction Hon'ble High Court in different cases, the Department absorbed 18 Junior Engineers in the Power Development Department civil cadre and simultaneously the seniority of 31 Jr. Engineers (Civil) of the civil cadre was determined as per the annexure to the Government order No. 279-PDD of 2007 dated 24.09.2007. In the said order, it was further ordered that the civil cadre of Junior Engineer in the Power Development Department was closed and all the Junior Engineer (Civil) presently working in the Department were to be treated on deputation and the services of these engineers are to be utilized on rotational basis from PWD.

Whereas, as per above the claim of the petitioner namely Shri Mohammad Shafi Dar for absorption as junior engineer Civil in PDD is not justified and needs to be rejected.

Now therefore, in compliance to the Hon'ble Court Order dated 14.01.2015 passed in SWP No. 54/2015 CMA No. 58/2015, has been examined/ considered and is found unsustainable and rejected.


By order of the Government of Jammu and Kashmir.

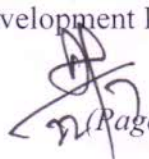
Sd/  
**(Sundeep Kumar Nayak)IAS**  
Principal Secretary to Government  
Power Development Department  
Dated 22-07-2015

No: PDD/Legal/16/2015

Copy to the:-

1. Learned Advocate General, J&K Srinagar.
2. Development Commissioner Power, J&K Srinagar.
3. OSD to Hon'ble Deputy Chief Minister (Minister Incharge Power)
4. Pvt. Secretary to Hon'ble Minister of State (Power).
5. Pvt. Secretary to Principal Secretary to Government, Power Development Department.
6. P.A to Special Secretary to Government, Power Development Department
7. Nodal Officer Incharge (Website) Power Development Department.
8. Government Order files / Stock file.

  
(Umesh Sharma)  
Under Secretary to Government  
Power Development Department

  
(Page 2 of 2)