



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

Subject:- Contempt No.381/2014 in SWP No.433/2014 titled  
Mohammad Ashraf Lone & others Vs State and others.

Government Order No:- 156 -PDD of 2015  
D a t e d :- 30 -07 - 2015

1.0 Whereas, based on the Cabinet Decision No.165/21/2011 dated.21.9.2011, 227 posts of Assistant Engineers was converted in Power Development Department by corresponding reduction of equal number of posts of Junior Engineer Grade-I vide Government Order No.,370-PW(Hyd) of 2011 dated. 26.9.2011 subject to the condition that these post of Assistant Engineers (Electric) shall be filled up by the existing Junior Engineer Grade-I after reduction of equal number of posts in the respective cadres; and

2.0 Whereas, in compliance to Government order No.370-PW(Hyd) of 2011 dated. 26.9.2011, Power Development Department placed 155 eligible Junior Engineer Grade-I (Degree/Diploma Holders) as I/C Assistant Engineer (Electric) vide Government Order No.56-PDD of 2012 dated. 28.2.2012; and

3.0 Whereas, some RBA category Junior Engineers (Diploma Holders) appointee of 1999 filed SWP No.433/2014 titled Mohamd Ashraf Lone & others Vs State and others in the Hon'ble High Court seeking promotion/placement as I/C Assistant Engineers (Electric) under RBA category as per Reservation Rules in vogue on the grounds that they were eligible for promotion at the time of issuance of Government order No.56-PDD of 2012 dated. 28.02.2012 and Government order No.24-PDD of 2014 dated.05.02.2014; and

4.0 Whereas, Hon'ble High Court disposed of the SWP No.433/2013 titled Mohammad Ashraf Lone & others Vs State and others and passed the orders on 05.3.2014. The operative part of the Hon'ble High Court order dated.05.03.2014 re-produced as under:-

**“Petitioners are working as Junior Engineers in Power Development Department. They are aggrieved that they though entitled to promotion to next level-Assistant Engineer under RBA category and slots of Assistant Engineers are available in promotional quota, they are not being considered for promotion unmindful of availability of Assistant Engineers posts in respondent department.**

**In view of short controversy involved, petition is disposed of with a direction to respondents to accord consideration to petitioners promotion to the post of Assistant Engineer, alongwith other eligible persons, holding the post of Junior Engineer, in light of averments made in the petition, annexure appended thereto and having regard to Recruitment Rules as also Reservation Rules, occupying the filed. Respondents shall do well to take decision in the matter within eight weeks from the date of receipt of copy of the order.**

**Petitioners, on their part, may provide copy of petition and copies of annexure to respondents to facilitate early disposal of the matter. Disposed of.”**

5.0 Whereas, the petitioners have filed Contempt petition No.381/2014 seeking implementation of the judgment dated.05.03.2012 passed in SWP No.433/2014 ; and

6.0 Whereas, the Department after receiving judgment and Notice in the Contempt petition, the case of the petitioners have been examined and considered in the Department and statement of facts was filed in the contempt petition and it was contested that the petitioners were not eligible for placement as I/C Assistant Engineer (Electric)at the time of issuance of Government Order No. 56-PDD of 2012 dated. 28.02.2012 and Government order No.24-PDD of 2014 dated.05.02.2014 ;and



7.0 Whereas, stand taken by the Department in statement of facts filed before the Hon'ble High Court in Contempt No.381/2014 has been examined and considered by the Hon'ble High Court while issuing order dated.02.06.2015. The operative part of the order dated.02.06.2015 is re-produced as under:-

**“A closer look at the statement of facts dated. 4.12.2014 and 15.5.2015 would indicate that the Writ court judgment has not been complied with in letter and spirit. Respondents to comply with the Writ Court order dated. 5.3.2014 and report compliance by next month.**

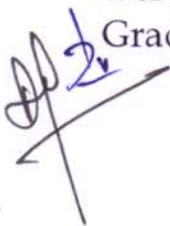
**List on 21.7.2015”**

8.0 Whereas, Additional Advocate General vide Communication dated 15.6.2015 & 22-07-2015 has communicated that the instant case was listed on 21.07.2015 and the Hon'ble High Court has granted week's time for filing the detailed compliance report and has requested for furnishing of compliance report within two days positively; and

9.0 Whereas, the case of the petitioners has been re-examined in the Department and it has been decided that the claim of the following petitioners alongwith other eligible incumbents for placement as I/C Assistant Engineers (Electric) need to be considered against the available slots of RBA /vacancies of Diploma Holders; and

S.No.	Name of the official
1.	Arun Kumar Baloria (RBA)
2.	Mohd. Ashraf Lone (RBA)
3.	Mohd. Asif Khan (RBA)
4.	Bashir Ahmad Kotey (RBA)
5.	Rafiq Ahmad (RBA)
6.	Hakim Ghulam Jeelani (RBA)
7.	Mohd. Shafi Wani (RBA)

10.0 Whereas, the Department has already taken up the matter with Finance Department for filling up of unfilled posts of Assistant Engineers (Electric), out of 227 posts of Assistant Engineers (Electric), converted vide Government order No.370-PW(Hyd) of 2011 in Power Development Department, which were remained vacant due to non-availability of Junior Engineer Grade-I; and



11.0 Whereas, if the Finance Department concurs the approval of the Department proposal for filling up of remaining post of AE converted vide Government order No.370-PW(Hyd) of 2011, the claim of the remaining petitioners can be considered for placement as I/C Assistant Engineer (Electric), if eligible, under rules; and

12.0 Now, therefore, in compliance to the judgment of Hon'ble High Court dated.05.3.2014, sanction is hereby accorded to the placement of following 07 Junior Engineers (Electric) Diploma Holders under RBA category as I/C Assistant Engineers (Electric) in their own pay and Grade with charge allowance as admissible under rules:-

S.No.	Name of the official
1.	Arun Kumar Baloria (RBA)
2.	Mohd. Ashraf Lone (RBA)
3.	Mohd. Asif Khan (RBA)
4.	Bashir Ahmad Kotey (RBA)
5.	Rafiq Ahmad (RBA)
6.	Hakim Ghulam Jeelani (RBA)
7.	Mohd. Shafi Wani (RBA)

13.0 The placement of the officers as I/C AE (Electric) subject to the following conditions:-

- a) *The placement shall be temporary and on stop gap basis and shall remain subject to the outcome of Writ Petition, if any, on the subject.*
- b) *That it shall not create any right, interest of equity in favour of the officers and when considered on substantive basis through DPC/PSC.*
- c) *The claim of the superior shall be considered, if any, by demoting the junior one without giving any notice.*
- d) *The adverse report, if any, received from any headquarter the placement of the Officer as I/C Assistant Engineer shall be withdrawn abinito without giving any notice.*
- e) *The RBA category certificate of any officer found fake the placement of the Officers as I/C Assistant Engineer (Electric) shall be withdrawn abinito without any notice.*
- f) *The inter-se-seniority of the officers shall be determined separately as per rules.*



14.0 Consequent upon the above, the officers shall report to the Managing Director, J&K State Power Development Corporation (JKSPDC) for further posting. The Managing Director, J&K State Power Development Commissioner shall allow their joining after verifying the validity of the RBA category certificate of the officers. If the certificate of any officer is found in-valid/not-genuine ,the concerned officer shall not be allowed to join as I/C Assistant Engineer(Electric).

By order of the Government of Jammu and Kashmir

Sd/-

**(Sundeep Kumar Nayak)IAS**  
Principal Secretary to Government,  
Power Development Department

No:-PDD/legal/78/2014

Dated:-30-07-2015

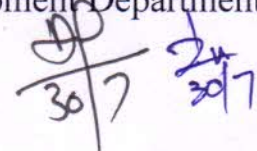
Copy to the:-

1. Managing Director, J&K State Power Development Corporation, Srinagar.
2. Development Commissioner (Power), J&K Srinagar.
3. All Chief Engineers\_\_\_\_\_.
4. OSD to Hon'ble Deputy Chief Minister (Minister incharge Power)
5. Pvt. Secretary to Hon'ble Minister of State (Power).
6. Pvt. Secretary to Principal Secretary to Government, Power Development Department.
7. Incharge Website, Power Development Department.
8. Concerned Officers.
9. Government Order file (W.2. S.Cs)
10. Stock file.



**(Naseema Akhtar)**

Under Secretary to Government,  
Power Development Department



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