



GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT
DIRECTORATE GENERAL OF ACCOUNTS & TREASURIES, J&K, SRINAGAR

Subject: Select List of the candidates for the posts of Accounts Assistants, District Bandipora – Operation of Waiting List thereof in light of judgement dated 25.07.2016 passed by the Hon'ble High Court of J&K at Jammu in SWP No. 2674 of 2015 titled Nasib Chand V/s State of J&K & Ors.

Reference: Secretary, Services Selection Board J&K's No. SSB/ Sel/ Secy/ 014/ 3357 – 63 dated: 12-05-2014.

ORDER No. 151 –Acctts of 2017
D A T E D: 15 .06.2017

Whereas, Shri Naseeb Chand, S/o Shri Prem Chand, R/o Village Chackdesa, Sanjimore, Choudhrian, P/O Tehsil Hira Nagar, District Kathua, was figuring at S.No. 1 in the Waiting List accompanying the Main Selection List of 16 candidates for District Bandipora, issued by the Services Selection Board vide their No. referred to above;

Whereas, among others, the selection of two candidates in SC Category, namely, Shri Sanjeev Kumar Sakolia and Shri Vinay Chadhgal was repeated in more than one Districts and the matter was, accordingly, taken up with the SSB for clarification/ clear cut recommendations vide letter No. DGAT/E-III/G-18/112 dated 05-06-2014;

Whereas, the Services Selection Board vide letter No. SSB/Sel/ Secy/2015/9337 dated: 10-09-2015 informed the Department that it is the discretion of the candidate for which District he will opt to join. Since, in this matter, the candidates who were selected on two posts in two Districts did not timely exercise their option with the result, the waiting list which was valid for one year thus elapsed, with the result Shri Naseeb Chand, S/o Shri Prem Chand could not be appointed against the post of Accounts Assistant by the Department;

Whereas, Shri Nasib Chand filed a Writ Petition before the Hon'ble High Court, Jammu bearing SWP No. 2674/ 2015 and the Hon'ble High Court while disposing of the said Writ Petition, vide Order dated: 25-07-2016 directed as under: -

"The petitioner cannot be held responsible for the inaction of the respondents. In the circumstances, the writ petition is allowed by directing the respondents to invite options from the candidates for the post of Accounts Assistant i.e. Sanjeev Kumar Sakolia and Vinay Chadhgal, who had applied and were selected

for more than one district including District Bandipora within a period of one month from the date of submission of certified copy of this order stipulating therein the date by which the options have to be submitted by said candidates to the respondents, failing which, it will be treated that the said candidate's are not interested in joining and the post would be offered to the candidate next in the order of merit. In the eventuality of selected candidate not joining in District Bandipora, offer of appointment be made to the candidate next in the select list/ waiting list as the case may be."

Whereas, the case was referred to the Law Department for their opinion vide No. DGAT/E-III/G-21/138 dated 16.11.2016 who vide their No. LD(Ser)2016/86-DGAT dated 13.12.2016 opined as under:-

"Returned. The Department is advised to take up the matter with General Administration Department and seek extension of time for operation of Waiting List in relaxation of rules as the statutory period of one year for operation of Wait List has elapsed".

Whereas, vide this office U.O. No. DGAT/E-III/G-21/03 dated 09.01.2017, draft Memorandum for submission to the Hon'ble Chief Minister in Coordination through the Chief Secretary was forwarded to the General Administration Department for seeking extension of time for operation of Waiting List of Accounts Assistants for District Bandipora in relaxation of rules in respect of Shri Naseeb Chand, S/o Shri Prem Chand, R/o Village Chackdesa, Sanjimore, Choudhrian, P/O Tehsil Hira Nagar, District Kathua forwarded to the Department by the Services Selection Board vice their No. SSB/ Sel/ Secy/ 014/ 3357 - 63 dated: 12-05-2014;

Whereas, the General Administration Department vide their U.O. No. GDC-07/CM/2017 dated 16.02.2017 returned the case file with the remarks as under:-

"In light of the Court Judgement dated 25.07.2016, the department is required to invite options from the candidates selected for two positions within the period of one month from the date of submission of certified copy of the Court order stipulating therein the date by which the options have to be submitted by said candidates to the department failing which it will be treated that the said candidates are not interested in joining and the posts would be offered to the candidates next in order of merit;

The department without inviting options from the selected candidates has submitted a proposal for revalidating of the wait list. The option to operate the wait list would arise only once the candidates exercise their option and the posts are available for appointment of candidates in wait list. The department has to first seek the options from the candidates as per the Court directions and, thereafter, the occasion to revalidate the wait list will arise".

Whereas, vide this office No. DGAT/E-III/G-21/39 dated 01.03.2017 a notice was served to Shri Sanjeev Kumar Sakolia and Shri Vinay Chadhgal for seeking their consent within a period of 21 days with regard

to the processing of case of Shri Nasib Chand for selection against the post of Accounts Assistant in District Cadre Bandipora under SC Category as observed by the GAD;

Whereas, both the candidates conveyed their No Objection vide their Nos. Nil, both dated 06.03.2017 and supported their consent with an Affidavit with regard to the appointment of Shri Nasib Chand as Accounts Assistant in District Cadre Bandipora under SC Category as they have opted out to join against the said posts in the said Districts under SC category;

Whereas, vide this office U.O. NO. DGAT/PS/DR/85 dated 31.03.2017, draft Memorandum was re-submitted to the Hon'ble Chief Minister in Coordination through the Chief Secretary to the General Administration Department for seeking extension of time for operation of Waiting List of Accounts Assistants for District Bandipora in relaxation of rules to enable the Department to comply the judgement dated 25.07.2016 passed by the Hon'ble High Court of Jammu & Kashmir at Jammu in SWP No. 2674 of 2015;

Whereas, the General Administration Department vide their U.O No. GDC -07/CM/2017 dated 24.05.2017 conveyed concurrence in relaxation of rules in the matter as under:-

"In compliance of the Order of the Hon'ble High Court dated 25.07.2016 passed in SWP No. 2674 of 2015 and MP No. 01/2015 titled Nasib Chand V/S State & Ors, and in relaxation of Rule 14(7) of the Jammu and Kashmir Civil Services Decentralization Recruitment Rules, notified vide SRO No. 375 dated 21.10.2010, sanction is hereby accorded to the extension in the validity period of the waiting list for the post of Accounts Assistant District Cadre Bandipora, recommended by the SSB vide letter No. SSB/Sel/Secy/014/3357-63 dated 12.05.2014 beyond the date of expiry (viz 12.05.2015) upto 30th of June, 2017".

Now in view of the above, sanction is accorded to the **deputation of Shri Naseeb Chand, S/o Shri Prem Chand, R/o Village Chackdesa, Sanjimore, Choudhrian, P/O Tehsil Hira Nagar, District Kathua, in relaxation of rules** for undergoing one year's ACC training (six months theoretical and six months practical) in Northern Zonal Accountancy Training Institute, Jammu recommended by the Services Selection Board for selection against the post of Accounts Assistant under SC Category in the Waiting List in District Bandipora vide their No. referred to above.

During one year's ACC training the candidate/selectee shall be entitled to stipend as admissible under rules.

The selectee shall report to the Principal, Northern Zonal Accountancy Training, Institute, Jammu **by or before 30th June, 2017** alongwith the following certificates/documents in original:-

- i. Academic/Technical Qualification Certificate.
- ii. Date of Birth Certificate.
- iii. Health Certificate issued by Competent Authority.

- iv. Permanent Resident Certificate.
- v. Relevant Category Certificate.
- vi. Certificate from General Manger of the concerned District Industries Centre and Deputy Director Employment, to the effect that No Loan under Self Employment Scheme has been taken by the appointee.

In case the selectee fails to join within the stipulated period, his appointment shall stand cancelled without any further notice.

The appointment shall be subject to the following conditions:-

- (a) The selectee shall give undertaking in the shape of an Affidavit to the effect that in case any adverse report about his Character and Antecedents is received from the Additional Director General of Police, CID, J&K, to whom a reference shall be made by the Department, his appointment shall itself stand cancelled ab-initio and he shall have no claim of his appointment.
- (b) The verification of all required certificate viz; Academic Qualification Certificate, Date of Birth Certificate, Health Certificate, Permanent Resident Certificate, Category Certificate (wherever applicable), Certificate from General Manger of the concerned District Industries Centre and Deputy Director Employment, to the effect that No Loan under Self Employment Scheme has been taken by the appointee from the concerned Issuing Authority to be got done by the Principal of the training Institute.

The stipend of the selectee shall not be drawn and disbursed to him unless a satisfactory report in respect of (a) and (b) above is received.

After successful completion of one year's ACC training in Northern Zonal Accountancy Training, Institute, Jammu, he shall be formally placed as Accounts Assistant in PB-1, ₹5200-20200 + Grade Pay ₹2800. His services shall be regulated under the "Rules for Admission in the Accountancy Training Institute for the various Accountancy Courses and Examinations thereof" laid down in Schedule XI of J&K CSRs Vol-II and "J&K Subordinate Accounts Service Rules".

Sd/-
(Altaf Hassan Mirza)
Director General,
Accounts & Treasuries,
Finance Department

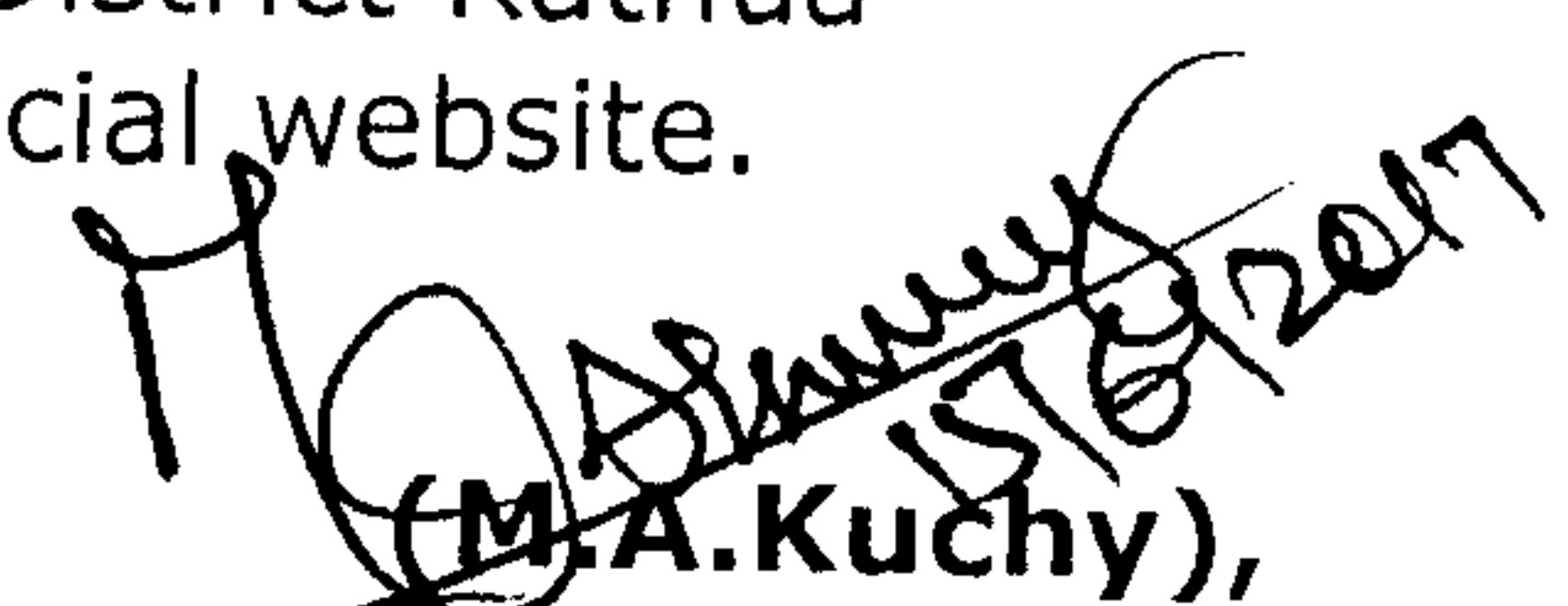
No. DGAT/E-III/G-21/100

Dated:- 15.06.2017

Copy for information and necessary action to the:-

1. Advocate General, J&K.
2. Secretary, J&K Services Selection Board, This has reference to his communications referred to above.
3. Director, Accounts & Treasuries, Jammu.

4. Principal, Northern Zonal Accountancy Training, Institute, Jammu.
5. Director Information, J&K, Srinagar/Joint Director Information, Srinagar/ Jammu. He is requested to publish this order in two leading daily local newspapers of Jammu and Kashmir for publicity and information of the concerned candidate.
6. Shri Naseeb Chand, S/o Shri Prem Chand, R/o Village Chackdesa, Sanjimore, Choudhrian, P/O Tehsil Hira Nagar, District Kathua
7. Incharge Website for uploading the order on official website.
8. Order File/Personal File.


(M.A. Kuchy),
Deputy Director (Central),
Accounts & Treasuries,
Finance Department

