



**GOVERNMENT OF JAMMU AND KASHMIR.  
FINANCE DEPARTMENT.**

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Subject: - Promotion of Sh. Syed Altaf Hussain Bukhari I/C Head Assistant

Order No ~~2~~ <sup>4</sup> - Acctts of 2018  
Dated: 17 .01.2018

Whereas, Sh. Syed Altaf Hussain Bukhari Senior Assistant filed a writ petition under SWP No 405711997 seeking promotion at par with his juniors and the writ petition was disposed of by the Hon'ble High Court vide judgement dated 15-03-2011, the relevant part of the judgement is reproduced below:-

"Learned Counsel for the parties agree on the following propositions:-

1. Respondents shall give effect to order No 31-Acctts of 1996 dated 29-01-1996 **granting** stop gap arrangement to the petitioner (to be read as order No. 34-Acctts of 1998 dated 19-12-1998 as corrected vide Court Order dated 01-04-2011)
2. Petitioner shall comply with the order and join on the new place of posting indicated in the said order. or at such other place as directed by the respondents proposition

In view of this agreement the petition is disposed of with the further direction that the respondents shall place the petitioner's case for grant of promotion before concerned DPC within a period of six weeks from the date this order is served on them. While considering the matter, DPC **shall** find out from which date the petitioner became entitled for promotion to the higher post. In case it is found that any of his juniors have been promoted out of turn superseding him in contravention of rules, the DPC may take this fact into consideration while fixing the date of promotion due to the petitioner"

Whereas, the examination of records revealed that the above judgement was partly implemented by the Department and promotion order issued in favour of petitioner vide order No 334- Accts of 1998 dated 19-12-1998 was also not complied by the petitioner.

Whereas, the Department was also directed vide above referred Court Order dated 15-03-2011 to get implemented the said promotion order because the petitioner was reluctant to join his new place of posting aftermath his promotion in pursuance to above referred promotion order. The respondents on the other hand were also directed to fix the due date of promotion of the petitioner within six weeks period.

Whereas, the petitioner again resorted to litigation course to mitigate his grievances and filed instant writ petition which has been disposed of vide order dated 16-12-2015 which reads as under:-

"Notice to the respondents for their response and statement of facts in regard to the compliance of the judgement dated 13-03-2011 passed in **SWP** No. **405711997**"

Whereas, keeping in view above directions of Hon'ble Court the Department convened meeting of Inter-Organisational Departmental Promotion Committee for Ministerial Staff of Accounts & Treasuries Organization, J&K Funds Organisation, Audit & Inspections Department and Local Fund Audit & Pensions J&K on 21<sup>st</sup> of November 2016 and 24<sup>th</sup> November 2016 to discuss the issues relating to above said petitioner. The Committee discussed the issue and raised certain queries and desired to clear the observations in next meeting which was fixed on 21<sup>st</sup> December 2016.

Whereas, in the meantime the Hon'ble High Court vide its order dated 28-11-2016 in SWP No 2691/2015 titled Syed Altaf Hussain Vs State & Others disposed of the case with the following directions:-

"Respondents shall finalize the fixation of the seniority of the petitioner within six weeks from today. Default will imperil them. It is made clear that framing of rule shall be imperative in case of further default."

Whereas, the Departmental Promotion Committee (DPC) again met on 21<sup>st</sup> of December 2016 and while discussing the issue in light of above Court direction<sup>1</sup> applicable recruitment/service rules of the General Administration Department in respect of the service, held the view that the petitioner does not fulfil the prescribed qualification/eligibility criteria for promotion above the level of Senior Assistant, hence not eligible for promotion beyond the level of Senior Assistant;

Whereas, the DPC also examined the procedure adopted in the promotion case of his two junior counterparts, namely, Mr. Zahoor Ahmad and Smt. Sharda Sharma in anticipation of the prescribed qualification/eligibility criteria and found in utter violation of prescribed rules and held that his claim is not genuine as one wrong cannot justify another wrong;

Whereas, the DPC examined the case in light of provisions of SRO 272 dated 19-09-2008 which provides that 25% of the posts of Head Assistants to be filled up in a calendar year shall be earmarked for promotion of those Senior Assistants who have not qualified the Secretariat Assistants Examination but have crossed the age of 50 years as on 1<sup>st</sup> January of the year in which such promotions are being considered and held that the case of petitioner can be considered under this provision. The date of birth of the petitioner under question is 19.03.1957 and he attains the age of 50 years on 18-03-2007 but on that date SRO 272 was not in existence, as such his elevation beyond the level of Senior Assistant can be considered only after the issuance of said SRO i. e. 19-09-2008. However, he was eligible for promotion as Senior Assistant with his junior counterparts as there was no qualification bar for elevation from Junior Assistant to Senior Assistant;

Whereas, taking cognizance of the details of the case given above, the Committee recommended the promotion/regularization of Syed Altaf Hussain Bukhari as under:-

- I As Senior Assistant on notional basis from the date his juniors got promoted i. e, w. e. f. 21.12.1981 against supernumerary post of Senior Assistant to be created separately w. e. f. 21-12-1981 to 18-09-2008;

- ii As Head Assistant in terms of provisions of SRO 272 dated 19-09-2008 from the date of issuance of SRO i. e. 19-09-2008, notionally against supernumerary post of Head Assistant to be created separately w. e. f. 19-09-2008 to 18-08-2011;
- iii As Section Officer w. e. f. 19-08-2011 against available post of Section Officer on notional basis upto 31-12-2016 and monetarily from the date he is promoted and joins.

Whereas, the case was taken-up with Finance Department for creation of one post of Senior Assistant w. e. f. 21-12-1981 to 18-09-2008 and one post of Head Assistant w. e. f. 19-09-2008 to 18-08-2011 on supernumerary basis;

Whereas, Finance Department vide U. O No A/22 (2002)-1097 dated 19-12-2017 read with General Administration Department's U. O. No. GAD (Adm)39/2017-V dated 23-11-2017 conveyed the approval of the Hon'ble Chief Minister for creation of one post of Senior Assistant w. e. f. 21-12-1981 to 18-09-2008 & one post of Head Assistant from 19-09-2008 to 18-08-2011 on supernumerary basis;

Whereas, vide Government Order No 02-F of 2018 dated 01-01-2018 one post of Senior Assistant in the pay scale of 220-8-260-10-300-13-4301475-16-555-17-640-18-730-EB-20-850 1 1200-30-1560-EB-40-2040 / 4000-100-6000 / PB-1, Rs.5200-20200 + GP Rs. 2400 w. e. f. 21-12-1981 to 18-09-2008 and one post of Head Assistant in PB-2 Rs. 9300-34800 +GP Rs.4200 w. e. f. 19-09-2008 to 18-08-2011 have been created on supernumerary basis.

Now in view of above and as recommended by the Inter-Organisational Departmental Promotion Committee for Ministerial Staff of Accounts & Treasuries Organization, J&K Funds Organisation, Audit & Inspections Department and Local Fund Audit & Pensions J&K held on 21<sup>st</sup> of December 2016, sanction is accorded to the promotion of Sh. Syed Altaf Hussain Bukhari as under:-

- i) Senior Assistant in the pay scale of 220-8-260-10-300-13-4301475-16-555-17-640-18-730-EB-20-850 1 1200-30-1560-EB-40-2040 / 4000-100-6000 / PB-1, Rs.5200-20200 + GP Rs. 2400 notionally w. e. f. 21-12-1981 against supernumerary post;

ii) Head Assistant in PB-2 Rs. 9300-34800 +GP Rs.4200 notionally w. e. f. 19-09-2008 to 18-08-2011 against supernumerary post; and

iii) Section Officer in PB-2 9300-34800 +GP Rs.4600 notionally w. e. f. 19-08-2011 and monetarily from 01-03-2017 i.e. one month prior to his retirement on superannuation against the available vacancy.



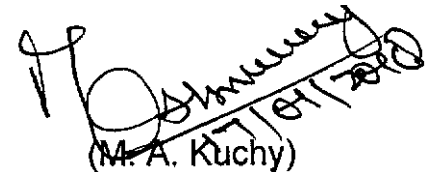
(Altaf Hassan Mirza)  
Director General,  
Accounts & Treasuries,  
Finance Department.

No: DGAT/HQ/N-Adm/EM/115

Dated: 17-01-2018

Copy for information and compliance to the:-

- 1) Director General, J&K Funds Organization
- 2) Chief Accounts Officer District Fund Office Baramulla
- 3) Public Law Officer, Directorate General of Accounts & Treasuries, Finance Department.
- 4) Accounts Officer (HQ), Accounts & Treasuries, Finance Department.
- 5) concerned
- 6) Order file/main file.

  
(M. A. Kuchy)

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