

**GOVERNMENT OF JAMMU & KASHMIR,
FINANCE DEPARTMENT
(www.jkdat.nic.in)**

Subject: Appointment of Sh. Abhishek Khajuria, as Accounts Assistant (Finance), presently posted in Sub Treasury, Akhnoor – Termination of appointment/ services ab-initio.

**Government Order No. 309-F of 2024
Dated 07.10.2024.**

Whereas, J&K Services Selection Board, vide No. SSB/Secy/Sel/2016/20539-45 dated 30.11.2016, conveyed its recommendations for appointment of selected candidates as Accounts Assistants (Finance). The list, among others included name of Mr. Abhishek Khajuria S/o Ram Paul Khajuria R/o Samwan Akhnoor, Jammu, at S.No. 2 of ALC Category in District Jammu, with the following remarks:-

“Recommendations withheld and is subject to clarification from the competent authority with regard to residential district”.

Whereas, subsequently, J&K Services Selection Board vide No. SSB/ Sel/ Secy/ 2017/ 474446 dated 16.05.2017, conveyed that upon submission of requisite documents by Sh. Abhishek Khajuria, recommendation for the post of Accounts Assistant approved by the Board, is released; and

Whereas, vide Order No.155-Acctts of 2017 dated 19.06.2017, Mr. Abhishek Khajuria, was deputed for one year ACC Training in Northern Zonal Accountancy Training Institute, Jammu. After completion of training, he was adjusted against the post of Accounts Assistant vide Order No 189-Acctts of 2018 dated 04.07.2018, and subsequently posted in the office of BMO, Akhnoor by the Director Accounts & Treasuries, Jammu vide Order No. 194 of 2018 dated 16.07.2018; and

Whereas, one Ms. Bharti Sharma D/o Sh. Sukh Dev Raj R/o Dhar Khour Phallan Walan Tehsil Khour/Akhnoor, District Jammu, figuring at S.No 1 under waiting list of ALC category, challenged the ALC category certificate of Sh. Abhishek Khajuria, bearing No.1213/BC dated 23.09.2008, issued by Tehsildar Akhnoor, before Deputy Commissioner, Jammu, thereby seeking quashment of the same; and

Whereas, Deputy Commissioner, Jammu, on consideration of the matter, cancelled ALC category certificate of Sh. Abhishek Khajuria, vide Order under file No.14/AM dated 17.02.2018; and

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Whereas, aggrieved of the decision of Deputy Commissioner Jammu Sh. Abhishek Khajuria, approached the Hon'ble High Court of J&K at Jammu through the medium of writ petition SWP No. 679/2018, titled Abhishek Khajuria Vs State of J&K & Others; and

Whereas, Hon'ble High Court of J&K was pleased to disposed off the said writ petition in terms of Order dated 03-05-2019. The operative part of Judgement dated 03-05-2019, is reproduced as under;

"In my opinion, the view expressed by the Deputy Commissioner, Jammu in his order impugned dated 17.02.2018 is perfectly legal considering the facts, which are admitted in the present case.

Having considered entire matter, in my view no interference is warranted with the order impugned. The petition is found to be without any merit and is accordingly dismissed alongwith connected application(s). Interim direction dated 10-04-2018 shall stand vacated."

Whereas Sh. Abhishek Khajuria, (Petitioner), filed LPA No. 107/2019, titled Abhishek Khajuria versus State of J&K and Others before the Hon'ble High Court of J&K; and

Whereas the Hon'ble High Court Vide Judgment dated 16.09.2023, dismissed the LPA. The operative part of Judgement is reproduced as under;

"Be that as it may, in the instant case when the appellant filed SWP No. 679/2018, the appellant was undergoing training at National Zonal Accountancy Training Institute, Jammu and was to be posted in some Government department after conclusion of aforesaid training in June, 2018. However, with the dismissal of the writ petition and upholding of the order of the Deputy Commissioner cancelling his ALC category certificate by the Writ Court, the appellant was not posted by the Finance Department in any of the department. He was not even released the salary as was claimed by him through the medium of CM No. 4741/2022. That apart, respondent No. 7, who holds a valid ALC category certificate issued by the Competent Authority, cannot be deprived of her right to appointment only on the ground that appellant has been considered and appointed over and above her on the basis of a certificate, which the Deputy Commissioner writ Court and we have found issued in violation of and contrary to the provisions of the Act of 2004 and the rules framed there under.

We also take note of the fact that because of the pendency of this litigation and the challenge mounted by respondent No.7 to the category certificate immediately after selection of the appellant before the Deputy

Commissioner, equity cannot be said to have tilted in favour of the appellant. The judgments relied upon by the learned counsel for the appellant are decided on their own facts and do not have universal application in the matter of invoking and applying equitable jurisdiction

For the foregoing reasons, we find no merit in this appeal and the same is accordingly dismissed."

Whereas, the case was referred to General Administration Department for their advice in light of dismissal of Writ petition as well as appeal filed by Sh. Abhisheikh Khajuria. The General Administration Department vide U.O No. GAD-MTGORBIV/2/2024-09-GAD (7378020) dated 19.02.2024, advised to terminate the appointment of Mr. Abhishek Khajuria, as Accounts Assistant (Finance), on the grounds of producing fake ALC certificate".

NOW, THEREFORE, consequent upon above, the appointment of Sh. Abhishek Khajuria S/o Ram Paul Khajuria R/o Samwan Akhnoor, Jammu, as Accounts Assistant (Finance), is hereby terminated ab-initio.

By order of the Government of Jammu & Kashmir.


Sd/-
(Santosh D Vaidya) IAS,
Principal Secretary to Government,
Finance Department.

Dated 07.10.2024.

No: DGAT-EIII/9/2023-01/E-7295727/305

Copy for information to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Director Archives, Archaeology and Museums J&K.
4. Director Information & Public Relations J&K, with the requested to publish the Order in two local leading dailies of Jammu Province for information.
5. Director, Accounts and Treasuries, Jammu.
6. Treasury Officer, Akhnoor.
7. Concerned for information.
8. Government order files (w2scs).
9. Relevant file.


Director General
Accounts & Treasuries,
Finance Department

07/10/24