

**Government of Jammu & Kashmir
Agriculture Production Department
Civil Secretariat, Srinagar**

Subject:- Regularization of I/c Assistant Registrars as Assistant Registrars in Command Area Development Department, J&K.

Reference:- No.PSC/DPC/Agri/08/2020 dated 31.07.2023 from J&K Public Service Commission.

Government Order No: 513-JK (APD) of 2023

Dated: 11 -10-2023

Whereas, on the recommendations of J&K Service Selection Board, Shri Romesh Kumar and Shri Rajinder Sharma were appointed as Cooperative Supervisors in the Command Area Development Department, in the year 1990;

Whereas, there was no post in hierarchy as a promotion avenue to the post of Co-operative Supervisor as Recruitment Rules of Command Area Development (CAD) were not finalized;

Whereas, Mr. Romesh Kumar (Petitioner) filed a writ petition bearing **SWP No. 382/1996 titled " Romesh Kumar V/s State and Ors"** before the Hon'ble High Court of Jammu and Kashmir and on the directions of Hon'ble High Court, the petitioner was adjusted as Cooperative Inspector by downgrading 02 posts of Assistant Registrars vide Govt. Order No. 184-Agri of 2000 dated. 15.06.2000;

Whereas, the case of the petitioner along with others were placed before the DPC in terms of Recruitment Rules of General Administration Department and other allied Departments for considering the promotion of Shri Romesh Kumar and Shri Rajinder Sharma to the post of Cooperative Inspectors and both were subsequently cleared for the post of Co-operative Inspector w.e.f 17.07.2000 vide CAD Order No. 17/E of 2013 dated 19.02.2013;

Whereas, aforementioned incumbents were assigned the charge of post of Assistant Registrar Cooperatives temporarily without attaining the eligibility vide order No. 69/E of 2001 dated. 03.11.2001 & 03/E of 2003 dated 11.01.2003 respectively;

Whereas, Sh. Romesh Kumar filed another writ petition bearing **SWP No. 532/2015** praying therein for release of grade of the

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11/10/23

post of Assistant Registrar Cooperative from the date of assignment of the charge as Assistant Registrar i.e. with effect from 03.11.2001;

Whereas, the Hon'ble High Court disposed of the above said writ petition on 17.05.2017, the operative part of the order reads as under:-

"the Government by virtue of order dated 01.02.2011 had ordered release of grade of Assistant Registrar (Cooperative) in the Command Area Development Department, Jammu, in favour of the petitioner, which according to the counsel for the respondents has not been done because there has been no clearance by the DPC/PSC. With a view to put the matter straight, it is ordered that in case the grade has not been released on account of non- convening of the DPC/PSC, then an appropriate DPC be constituted for the purpose of formally considering the issue in the light of Government order dated 01.02.2011. Respondents shall also refer the matter of the petitioner for consideration by the DPC/PSC for his promotion to the post of Deputy Registrar strictly in accordance with the Rules on the subject along with all eligibles. Let appropriate decision be taken within a period of three months from today.

Whereas, in compliance, the case was re-examined and in absence of Recruitment Rules of Command Area Development Department, the case was referred to DPC/PSC for consideration in accordance with J&K Cooperative (Gazetted) Services Recruitment Rules notified vide SRO-591 of 1976, wherein, the following method of recruitment is prescribed for the post of Assistant Registrar:-

50% by selection from confirmed Officers to Class I of the J&K Cooperative (Subordinate) Service from amongst the persons having not less than 5 years' service in the said class and 50% by competitive exam.

Whereas, in compliance to the orders of Hon'ble Court a DPC meeting was held in the J&K Public Service Commission on 20.06.2023 and the DPC was of the view that it would be appropriate to comply the Hon'ble Court orders by way of making recommendation to the regularization of the official in terms of J&K Cooperative (Gazetted) Service Recruitment Rules, 1976;

Whereas, the DPC also observed that since the officials have attained eligibility on 18.07.2005, thus cannot be recommended for the same prior to that date, irrespective of their early placement as Assistant

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11/10/23

Registrar as the promotion is to be effected from the date of eligibility, date of vacancy or date of placement whichever is later and

Whereas, with regard to 2nd part of the Hon'ble Court order dated 17.05.2017, the DPC observed that the directions of the Hon'ble Court with regard to considering the petitioner for the post of Deputy Registrar, does not merit consideration as the petitioner has not been placed as Deputy Registrar, thus not entitled for the same.

Now therefore, on the recommendations of DPC/PSC, the services of Shri Romesh Kumar and Shri Rajinder Sharma, I/c Assistant Registrars, Command Area Development, are hereby regularized as Assistant Registrars of Command Area Development Department with effect from 18.07.2005.

The promotion/regularization of the aforesaid officers shall be subject to the outcome of writ petitions, if any, pending before any competent Court(s) of law.

By order of the Government of Jammu and Kashmir.

Sd/-

**(Shailendra Kumar), IAS
Principal Secretary to the Government**

No:-Agri-CAD/14/2021(CC-41261) 1475-83
Copy to the:-

Dated: 11-10-2023

1. Principal Secretary to Hon'ble Lieutenant Governor.
2. Joint Secretary (JK), Ministry of Home Affairs, Government of India.
3. Director, Archives Archaeology and Museums, J&K Jammu.
4. Secretary, Jammu & Kashmir Public Service Commission.
5. Director General, Command Area Dev. Department Jammu.
6. Additional Secretary (Legal) to Government, Agriculture Production Department.
7. Concerned Officers.
8. Private Secretary to Principal Secretary to the Government, Agriculture Production Department.
9. Private Secretary to Secretary, Agriculture Production Department.
10. I/C Website, Agriculture Production Department.
11. Government Order File/Stock/Monday Return File.


11/10/23
**(Mohib Ali Bukhari), JKAS
Under Secretary to the Government**