

**UNION TERRITORY OF JAMMU & KASHMIR
DIRECTORATE OF AGRICULTURE, JAMMU**

Subject: Representation for promotion of applicant in light of Order dated: 13.11.2003 passed by the Hon'ble High Court at Jammu in SWP No. 2131/2003 titled Khan Mohd Khan V/s State and others at par with his counter parts who were selected vide Order No: Estt-17/99/1111-13 dated: 10.05.1999 read with Order No: 129/E of 2002 dated: 15.07.2002---Constitution of Committee to examine the representation thereof..

NOTICE

Whereas, Shri Khan Mohd Khan was initially appointed as Class-IV Mali in Doda District vide this office order No: Estt-17/99/1111-13 dated: 10.05.1999;

Whereas, the appointment order of Shri Khan Mohd Khan along with other candidates appointed by Shri Tirath Singh the then Director of Agriculture, Jammu was cancelled vide Agriculture Order No: 114/E of 2002 dated: 05.06.2002 being in violation of the Govt. Order No: 120-GAD of 1997 dated: 24.01.1997;

Whereas, the cancellation order was revoked vide this office Agri. Order No: 129/E of 2002 dated: 15.07.2002;

Whereas, Shri Khan Mohd Khan has represented that he had no knowledge of the said revocation order dated: 15.07.2002 and the moment he came to know about the said revocation order, he approached the Chief Agriculture Officer, Doda for joining but was not allowed to join by the authorities;

Whereas, the applicant had filed the Writ Petition before the Hon'ble High Court of J&K at Jammu bearing SWP No: 2131/2003 titled Khan Mohd Khan V/s State of J&K and others and prayed the following relief:

- i. An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to allow the petitioner to join the services as Class-IV employee (Mali) pursuant to his appointment made vide order dated: 10.05.1999, in the office of Chief Agriculture Officer, Doda.
- ii. An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to give effect of appointment to the petitioner w.e.f. the date his appointment order was issued and grant him all consequential benefits viz seniority, promotion, arrears of salary.

Whereas, the Hon'ble High Court Jammu on 13.11.2003 directed the Department to consider the case of the petitioner/applicant;

Whereas, in pursuance to the above direction, this office vide Agri. Order No: 165/E of 2017 dated: 17.06.2017 considered the claim of the petitioner and rejected the same, as lacking any legal basis;

Whereas, the applicant made representation to the Hon'ble Minister for Agriculture on 21.12.2017 to intervene in the matter and take compassionate view by

directing the Directorate to allow the petitioner to join on the post on which he was appointed by taking into consideration the peculiar facts of the case;

Whereas, taking into consideration the representation of the applicant, the Administrative Department vide Govt. Order No: 133-Agrl. of 2018 dated: 22.05.2018 had allowed Shri Khan Mohd Khan to join the service as Mali notionally w.e.f. 15.07.2002 i.e. the date when his other counterparts have been allowed vide Agri. Order No: 129/E of 2002 dated: 15.07.2002;

Whereas, Shri Khan Mohd Khan allowed to join his services as Mali notionally w.e.f. 15.07.2002 i.e. the date, when his counterparts have been allowed to join in the Department, pursuant to the Order No: Estt-17/99/1111-13 dated: 10.05.1999 read with Order No: 129/E of 2002 dated: 15.07.2002 issued by this office along with all consequential benefits derived thereof, except monetary benefit;

Whereas, Shri Khan Mohd Khan has been promoted as GCO on 01.03.2017 and his seniority has been fixed at S. No. 4 in the Seniority List of GCOs of Doda District issued vide this office No: Agri/DAJ/Estt-75/Seniority/2018-19/375-77 dated: 08.04.2019;

Whereas, S/Shri Aftab Ahmed, Milkhi Ram and Darshan Kumar appearing at S. No. 1, 2 and 3 in the Seniority list of GCOs of Doda District issued vide above said reference actually joined their service later than Shri Khan Mohd Khan on 29.05.1999, 12.06.1999 and 27.10.2001 but being in the Department were promoted as GCO earlier than Shri Khan Mohd Khan on 01.04.2016, 01.03.2017 and 01.03.2017 respectively;

Whereas, Shri Khan Mohd Khan has now represented that his junior counterpart in Doda District has been promoted to the post of GCO during 2015 when the case of Khan Mohd Khan was not settled and subsequently to the higher post of Field Assistant-III during 2018;

Whereas, Shri Khan Mohd Khan has requested that since he has been allowed to join notionally from 15.07.2002 as such he should be promoted equally at par with his junior counterpart namely Shri Mohd Amin presently posted as Field Assistant-III w.e.f. 01.08.2018 and figuring at S. No. 12 in the Seniority List of Field Assistant-III of Doda District issued vide this office No: Agri/DAJ/Estt-75/Seniority/2018-19/340-42 dated: 08.04.2019;

Whereas, this Directorate has drawn the comparison position of Khan Mohd Khan viz-a-viz other counterparts of Doda District promoted on higher post is drawn as under:

S. No.	Particulars	Murtaza Ali next senior to Shri Khan Mohd Khan	Khan Mohd Khan	Mohd Amin next junior to Shri Khan Mohd Khan
01	Date of 1st appointment as Class-IV	30.04.1999	10.05.1999	18.05.1999
02	Date of promotion as GCO	16.07.2015	01.03.2017	16.07.2015

03	Date of promotion as Field Assistant-III	01.08.2018	Not promoted	01.08.2018
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Whereas, Shri Murtaza Ali figuring at S. No. 11 in the Seniority List of Field Assistant-III is senior to Shri Khan Mohd Khan and promoted as GCO on 16.07.2015 and Field Assistant-III on 01.08.2018;

Whereas, Shri Mohd Amin appearing at S. No. 12 in the Seniority list of Field Assistant-III of Doda District is junior to Shri Khan Mohd Khan but promoted as GCO on 16.07.2015 and as Field Assistant-III on 01.08.2018;;

Whereas, Shri Khan Mohd Khan has represented for his promotion equally at par with his junior counterparts namely S/Shri Mohd Amin and Masroor Ahmed;

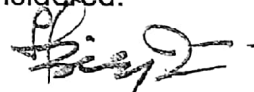
Whereas, the representation of Shri Khan Mohd Khan has been got examined through the committee of the Departmental officers constituted vide this office No: Agri/DAJ/Estt-01/2020/2935-2940 dated: 11.03.2020 headed by the Joint Director of Agriculture (Inputs) Jammu;

Whereas, the said committee has recommended to grant the benefit of promotion in favour of Shri Khan Mohd Khan for the post of GCO w.e.f. 16.07.2015 instead of 01.03.2017 and subsequently as Field Assistant-III w.e.f. 01.08.2018 equally at par with Shri Mohd Amin and refix his seniority over Shri Mohd Amin;

Whereas, by virtue of grant of promotion in favour of Shri Khan Mohd Khan to the post of GCO retrospectively w.e.f. 16.07.2015 and accordingly as Field Assistant-III w.e.f. 01.08.2018, the seniority of Shri Mohd Amin and Masroor Ahmed should be changed from S. No. 12 and 13 to 13 and 14 respectively;

Therefore, a Notice is being issued for information of the officials working in the Pay Level-2 (19900-63200) in Doda District. Anyone having objection for re-fixation of seniority of Shri Khan Mohd Khan above S/Shri Mohd Amin and Masroor Ahmed may submit their objections to this office within a period of 21 days through the concerned controlling officer.

Objections received after the cut of date will not be considered.


(Inder Jeet) KAS
Director of Agriculture
Jammu

No: Agri/DAJ/Estt-01/2020/ 571-74

Dated: 01.05.2020

Copy for information and necessary action to the:

1. Chief Agriculture Officer, Doda
2. Assistant Director Law Enforcement, Jammu,
3. Legal Cell, Directorate of Agriculture, Jammu,
4. Computer Programmer I/c Website Directorate of Agriculture, Jammu