

Government of Jammu & Kashmir,  
Office of the Financial Commissioner (Revenue) J&K, Jammu/Srinagar.  
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**Subject:** Implementation of directions of the Hon'ble Central Administrative Tribunal, Jammu dated 04.03.2021 passed in OA/387/2021 titled Krishan Lal and others V/s UT of J&K and others.

Order No.: 358 - FC(Revenue) of 2023  
Dated: 07-08-2023

1. Whereas, 03 officials namely S/Sh. Ravinder Singh, Krishan Lal and Naresh Vara, Naib- Tehsildars (ETS Girdawars) have represented in this office on 03.01.2020 & 07.09.2020 to grant retrospective effect to them as confirmed Naib-Tehsildars w.e.f 01.08.2014 under 5% quota reserved for ETS Girdawars, as they are aggrieved of Order No. FC(A) 162 of 2014 dated: 30.07.2014, whereby they have been placed as Look after Naib Tehsildars instead of Incharge Naib- Tehsildars; and
2. Whereas, vide Order No:FC (A) 162 of 2014 dated:30.07.2014, 195 qualified Girdawars including the petitioners were directed to look after the work of Naib Tehsildars; and
3. Whereas, in the UT Level DPC held on 20.07.2020, 12 vacancies were available under ETS quota and the applicants have been confirmed as Naib Tehsildars in the in the said meeting, as per the dates shown against their names:-

S.No.	Name of the Naib-Tehsildar	Date of Confirmation
1	Mr. Ravinder Singh	01.10.2017
2	Mr. Krishan Lal	01.03.2019
3	Mr. Naresh Vara	01.03.2019

4. Whereas, it has been represented that in 2014, 53 Naib Tehsildar were placed as I/C Tehsildars and also 301 post of Naib-Tehsildar were created by order No. Rev(s) 169 of 2014 dated 18.07.2014, thereby, total No. of available vacancies of Naib Tehsildar become 354, out of which 195 were under promotion quota and 159 under direct quota. In order to make newly created Niabat functional, the concerned authorities utilized the promotion quota fully and placed eligible Girdawars as I/C Naib-Tehsildar. The applicants being eligible in all respect under promotion quota were ignored in violation of the statutory provisions. The applicants were to be placed as I/C Naib-Tehsildars instead of L/A Naib Tehsildar on 30.07.2014 within the 5% promotion quota of ETS. It has been alleged that only 05 Girdawars of the ETS quota were placed at I/C Naib Tehsildars whereas the ETS quota was 18 out of 195 ; and

  
07/08/2023

5. Whereas, against the order dated:30.07.2014 issued by this office, the applicants approached the Hon'ble High Court through Writ petition SWP 616/2018 and later in the Hon'ble Central Administrative Tribunal, Jammu OA/387/2021 titled Krishan Lal and others VS UT of J&K for seeking effect of promotion as Naib Tehsildar w.e.f. 2014. The Hon'ble Central Administrative Tribunal in its order dated:04.03.2021 has disposed off OA with the following directions:


*" Looking to the arguments of the learned counsel for the applicants, the O.A is disposed of with a direction to respondent No. 03 i.e. Financial Commissioner, Revenue to decide the representations dated:- 03.01.2020 and 07.09.2020 of the applicants by passing a reasoned and speaking order in accordance with rules and with intimation to the applicants within a period of 02 months from today. In case, the aforesaid representations are not available with respondents, this O.A would be treated as representation"*

6. Whereas, the O.A has been treated as representation and the case has been considered in light of the above aforesaid directions of the Hon'ble Tribunal and in the meanwhile the applicants also filed contempt petition No. CP/ 68/2022 before the Hon'ble Tribunal, wherein the Hon'ble Tribunal Jammu has passed order dated: 28.03.2022 with the direction to file reply/compliance report by 18.05.2022 and now on 09.08.2023; and
7. Whereas, in the DPC meeting held on 14.07.2014, it was deliberated that:-

*"So far as promotion quota is concerned, there are 88 vacancies of Naib Tehsildars available in the Department, out of which 1 post has been kept reserved as per the directions of the Hon'ble High Court in SWP No. 728/2012, CMA No. 2174/2012, 1614/2012, 1115/2012 and 1406/1012 titled "Ghulam Ali Malik V/s State." Thus the vacancy position under promotion quota to be considered by the DPC remains 87 posts. Besides, 13 posts under promotion quota out of the total 23 vacant Non-budgetary posts, against their quota (50% for promotes and 5% for Surveyors (ETS) were also considered by the DPC. Thus the total vacancies under the promotion quota available are 100 posts (out of which 5% are for Surveyors (ETS) pursuant to RRO 74 of 2009 dated 31.03.2009".*

In the said meeting held on 14.07.2014, among others, the following decisions were taken:

1. The State Level Departmental Promotion Committee considered 91 eligible Girdawars for the promotion/confirmation to the post of Naib Tehsildar on substantive basis with immediate effect. The list of such fully qualified Girdawars who were cleared by the DPC as per roster position in accordance with SRO 144 of 2008 dated:28.0.2008 along with date of confirmation is annexed as Annexure - A to the minutes.
2. Regarding 5% quota meant for Surveyors (ETS), the Committee decided that after considering 91 officials for substantive promotion /confirmation of the Annexure - J-II, 09 officials under the category of Surveyors figuring after S. No. 91 have to be considered for promotion/confirmation subject to the condition that they must have served in the Settlement Wing for a minimum period of 2 years

  
27/08/2023



*and are also fulfilling the laid down criteria. These 09 posts will be over and above the general category promotion quota. The list of such officials who are promoted under 5% quota of Surveyors is annexed at Annexure – B to the minutes”.*

8. Whereas, the case of the applicants was examined by this office and it was decided to place the case along with the record before the next UT Level DPC; and
9. Whereas, the case of the applicants was placed before the UT Level DPC held on 05.08.2023 along with the minutes of the Meeting of SLDPC dated:14.07.2014 and UT Level DPC on 20.07.2020 for consideration; and
10. Whereas, The UT Level DPC perused the record placed before it and examined in detail. It is observed that 09 posts of the ETS quota have been given on the basis of Cadre strength and accordingly Order has been issued as per Annexure – A of the Minutes of the Meeting of DPC held on 14.07.2014. Further, similarly in the DPC held on 20.07.2020, ETS quota have been worked out and dates of regularization / confirmation of the incumbents have been given as per their date of placement against the post, availability of the vacancy and date of eligibility whichever is later, in accordance with the Govt. order No. 743-GAD of 2007 dated:28.06.2007, taking note of this position the DPC recommended that the case of 03 applicants being devoid of merit, be rejected.

Now, therefore, keeping in view the recommendation of the UT Level DPC held on 05.08.2023, the case of the applicants seeking confirmation as Naib Tehsildar w.e.f. 01.08.2014, having been duly considered and found devoid of merit, is hereby rejected.

***This issues with the approval of the Financial Commissioner, Revenue, J&K.***

  
(Pawan Kotwal) JKAS,  
Administrative Officer  
with Financial Commissioner (Rev), J&K.

No: FCR-GAZ/13/2021-06-FCR (20776)

Dated: 07-08-2023

Copy to the:-

1. Divisional Commissioner, Jammu for information.
2. Deputy Advocate General Central Administrative Tribunal, Jammu
3. ARA to FCR for further necessary action.
5. Sh. Krishan Lal S/o Sh. Lachman dass R/o Mandi, Tehsil Billawar District Kathua
6. Sh. Ravinder Singh S/o Sh. Gyan Chand R/o village Gaddi, Tehsil Bani district Kathua
7. Sh. Naresh Vara S/o Lt. Sh. Hari Chand R/o Village Mahanpur Tehsil Mahanpur, District Kathua.
8. I/c Official website of FCR J&K, for uploading the same on official website.
9. Order file.