

Government of Jammu & Kashmir UT
Office of the Financial Commissioner (Revenue), J&K

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**Subject: Revised Dates of promotion of Revenue Deptt. Officials
– reg;**

Order No:-174-FC(Revenue) of 2023
Dated:- 28.03.2023

Whereas, vide order No. FC(Adm) 179 of 2007 dated 21.07.2007, 03 officials viz. 1). Sh. Sham Lal 2). Sh. Satish Kumar and 3). Sh. Ab. Salam Bhat, were placed as I/C Head Assistant with immediate effect; and

Whereas, as per the provision under SRO 471, J&K Revenue (Subordinate) Service Recruitment Rules, 1973 dated: 2nd September 1973, the eligibility for promotion to the Head Assistants is reproduced as under :

- i. 75% by selection from Class – III category A from among persons having at least 04 years service in the category and having passed Secretariat Assistant Examination.
- ii. 25% by direct recruitment on the basis of competitive to be conducted by the Board.

Whereas, vide Notification SRO-272 dated 19 September, 2008, the method of recruitment to the post of Head Assistant was amended by the GAD, relaxing the requirement of passing Secretariat Assistant Examination subject to certain conditions as well as discontinuation of the direct recruitment; the amendment reads as under:-

"Provided that 25% of posts 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 1st January of the year in which such promotions are being considered.

Provided further that a Senior Assistant who has qualified the Secretariat Assistants Examination during his period of probation as Junior Assistant shall not be required to qualify the said examination again"; and

Whereas, the aforementioned provision was incorporated and reflected in the Recruitment Rules of the Revenue Department notified vide SRO 74 of 2009 datd:31.03.2009; and

Whereas, the above officials were confirmed as Head Assistant vide order No. FC(A) 17 of 2009 dated 4.02.2009 w.e.f. 14.06.2006; and

Whereas, it has been observed that the officials have been confirmed as Head Assistants w.e.f. 14.06.2006 which is prior to the date of placing them as I/C Head Assistants on 21.07.2007; and

Whereas, they were also not eligible since neither had passed Secretariat Assistants Examination nor had attained the age of 50 years on the date of confirmation as Head Assistant, a fact observed by the GAD in its communication No:GAD/ESTB/58/2021-09-GAD dated:10.03.2022 and sought clarification from the office of the Financial Commissioner (Revenue) J&K that how the officials have been promoted as Head Assistant without passing of SAC examination and even before attaining the age of 50 years and why the officials have been regularized as Head Assistants before the date of placement as I/C Head Assistants; and

Whereas, it is amply clear that the above said 03 officials were promoted as Head Assistant in the violation of the extant rules and the same need to be corrected to bring the same in accordance with the directions of the Hon'ble Supreme Court of India passed in the case titled Suraj Prakash Gupta & Ors. V/s. State of J&K and Ors which were clarified vide Government Order No. 743 -GAD of 2007 dated:28.06.2007 which reads as under:

"Promotion of a Government employee shall take effect from the date, he has been formally put in charge of the higher post subject to his eligibility in accordance with the recruitment rules availability of the vacancy. His clearance / regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, whichever is later. In all other cases, the promotion of a Government employee to the next higher post shall take effect from the date of issuance of the order".

Whereas, as per SRO 74 of 2009 dated:31.03.2009 of the Revenue Department, schedule II-B Class – 1, Category A, the method of recruitment for Section Officer is "By promotion from class IV category A (Head Assistant) having not less than 3 years substantive service in that class and category"; and

Now, therefore, in view of the reasons recorded above, corrections are hereby ordered in the dates of confirmation of the following three officials, as Head Assistant and Section Officer as under:-

S. No.	Name of Official	D.O.B	Date of 1 st appointment	Qualification	Date of Passing SAC Exam	attaining the age of 50 Years	Revised Date of promotion/confirmation as Head Assistant	Revised Date of confirmation as Section Officer
1	Sh. Sham Lal	16.03.1964	14.12.1984	Matric	Not passed	16.03.2014	On Notional basis from the date of placement of Nazir Ah Bhat (14.06.2006) & monetarily from 16.03.2014	16.03.2017
2	Sh. Satish Kumar	18.02.1967	10.07.1984	12 th	Not passed	18.02.2017	On Notional basis from the date of placement of Nazir Ah Bhat (14.06.2006) & monetarily from 18.02.2017	18.02.2020
3	Sh. Ab. Salam Bhat	11.03.1963	06.04.1984	Under Matric	Not passed	11.03.2013	On Notional basis from the date of placement of Sadhana Jalali (21.08.2007) & monetarily from 11.03.2013	11.03.2016

Sd/-

(Shaleen Kabra)IAS


Financial Commissioner (Revenue)
J&K

No:-FCR-BUD/82/2021-06 (28096)

Dated: 28.03.2023

Copy to:

1. Commissioner/Secretary to Govt., General Administration Department for information.
2. Secretary to Govt., Revenue Department for information.
3. Chief Accounts Officer, Financial Commissioner (Revenue) J&K for information and necessary action in respect of Sr. No. 1 & 3.
4. Regional Director, Survey & Land Records, Jammu for information and necessary action in respect of Sr.No.2
5. Concerned officials
6. Incharge website for loading the order on the official website.
7. Office Order file.

 28/03/2023

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