

**GOVERNMENT OF JAMMU & KASHMIR**  
**DIRECTORATE OF FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS**  
**KASHMIR**

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Sub:- Tentative Seniority list of Junior Assistants carrying substantive pay scale of Rs.5200 - 20200 +Grade pay Rs.2400/- (Revised 25500-81100 – L4)

Ref:- Order No. 1008 DFCS&CAK of 2018 dated 14.12.2018

**(Notification)**

Whereas, a final seniority list of officials carrying substantive pay scale of Rs.5200-20200 + GP Rs.1900/- (Revised 19900-63200 - L2) was issued vide order referred to above;

Whereas, a tentative seniority list of said officials of this category was issued vide Notification No. DFCS&CAK/Adm/B-X-306 dated 04.06.2020 for inviting of objections from the interested officials within a period of twenty-one days;

Whereas, objections were received by this Directorate from some employees projecting therein that the seniority list in respect of ministerial and executive cadres be separated;

Whereas, subsequently counter objections were received from other employees stating that a common seniority list be maintained in respect of same category /class of employees as department has been doing in the past;

Whereas, the objections so received from the employees were forwarded to Administrative Department vide letter No. DFCS&CAK/Adm/B-X-127-II dated: 14.08.2020 for conveying necessary orders / guidance in the matter;

Whereas, the Administrative Department vide letter No.FCS&CA/Estt/22/2020 dated 09.10.2020 directed to complete the process of notifying final seniority for ministerial / executive cadres (Non-Gazetted) separately on the basis of Schedule-I of the J&K Food, Civil Supplies & Consumer Affairs (Sub ordinate) Service Recruitment Rules, 1972 read with SRO 760 of 2019 dated 25.10.2019;

Whereas, subsequently in reference to Administrative Department's letter dated 09.10.2020, a Notification vide No. DFCS&CAK/Adm/B-X-306 dated 05.12.2020 was issued for information of interested eligible employees of the department to exercise their option either for Executive or for Ministerial cadre as per option form (enclosed with the said notification) within a period of fifteen (15) days;

Whereas, the said Notification dated 05.12.2020 was challenged by Mr. Mudasir Mushtaq and others, through the medium of an Original Application (OA) No. 13/2021, titled Syed Mudasir Mushtaq Vs. UT of J&K before the Ld. Central Administrative Tribunal (CAT) at Jammu;

Whereas, the Ld. Tribunal vide order dated 22.02.2021 stayed the Notification No. DFCS&CAK/ Adm/B-X-306 dated 05.12.2020;

Whereas, the matter was referred to Assistant Legal Remembrancer of this department for opinion, who opined that the process initiated at the Directorate Level to seek option from the employees (of subordinate service) is neither warranted by the "Jammu & Kashmir Food and Supplies (Subordinate) Service Recruitment Rules 1972 and Schedule I appended to it, nor by the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules 1956 or Administrative Department's letter No. FCS&CA/ Estt/ 22/2020 dated 09.10.2020;

Whereas, the sub para 4 of para 6 Jammu & Kashmir Food and Supplies (Subordinate) Service Recruitment Rules 1972 notified vide SRO 79 dated 10.02.1972 reads that:-

*"Persons appointed to the service prior to the commencement of these rules shall be deemed to have so appointed under these rules.*

*Provided that persons who have held both ministerial and executive wings before the commencement of these rules shall be given an option of selecting one of the wings and the option shall exercised within three months from the date these rules come into force. In case no option is exercised within the prescribed period, it will be presumed that they opted for the wing in which they are actually working on the date these rules come into force. These rules will have prospective application and not retrospective. The option once exercised shall be treated as final.*

*Provided further that the option may be accepted by the Administrative Department subject to availability of posts in the respective wings of the service";*

Whereas, the officials namely Mr. Intikhab Alam, R.No. 5829 & Mr. Nasar ullah Shah, R.No. 5726 represented before this office on 08.12.2021 & 29.01.2022 respectively wherein among other things, they requested that they may kindly be allowed to continue as ASK-cum-Clerks on the grounds that they have not drawn / accrued any benefit against the post of Junior Assistant;

Whereas, the representations made by Mr. Nasar ullah Shah, R.No. 5726 & Mr. Intikhab Alam were considered and accordingly were allowed to continue as ASK-cum-Clerks;

Whereas, in view of the above, the Notification issued vide No. DFCS&CAK/Adm/B-X-306 dated 05.12.2020 has been withdrawn abi-initio by this office vide order No. 322 DFCS&CAK of 2022 dated 22.03.2022;

Whereas, subsequently, the Directorate issued a tentative seniority list of ASK-cum-Clerks carrying pay scale of Rs.5200-20200 + GP Rs.1900/- (Revised 19900-63200 - L2) vide Notification issued under endorsement No. DFCS&CAK/Adm/B-X-306 dated 15.04.2022 excluding Mr. Syed Mudasir Mushtaq, Mr. Ghulam Nabi & Mr. Muneer Ahmad for information / inviting objections from the concerned employees of the department within a period of twenty-one (21) days;

Whereas, the said tentative seniority list stands published in local dailies of the valley viz Rising Kashmir on 17.04.2022 and Tameel Irshad on 18.04.2022 and that the Assistant Directors of this department were also advised to circulate the said seniority list among the employees of their respective districts, besides uploaded on departmental website as well;

Whereas, following employees submitted their objections against the tentative seniority list:-

1. Mr. Ali Mohd Ganie ASK-cum-Clerk R.No. 4908
2. Mr. Ajaz Ali Tantray ASK-cum-Clerk R.No. 5584
3. Mr. Altaf Hussain Gagi ASK-cum-Clerk R.No. 6271
4. Mr. Mohd Irfan ASK-cum-Clerk
5. Mr. Javeed Ahmad Kambay ASK-cum-Clerk R.No.5568

Whereas, vide order No. 394 DFCS&CAK of 2022 dated 21.05.2022 a committee of officers comprising of Chief Accounts Officer FCS&CA Kashmir, Deputy Director HQ (Adm) FCS&CA Kashmir and Assistant Director FCS&CA Baramulla Kashmir was constituted to dispose of the objections as per the merits;

Whereas, the order No. 394 DFCS&CAK of 2022 dated 21.05.2022 along with the objections received by this office against tentative seniority list of ASK-cum-Clerks dated 15.04.2022 has also been published in local dailies of the valley viz Kashmir Aman & Rising Kashmir on 22.05.2022 for information of general employees of the department;

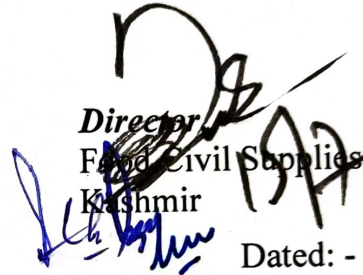
Whereas, no objection was received by this office against exclusion of Mr. Syed Mudasir Mushtaq, Mr. Ghulam Nabi & Mr. Muneer Ahmad in the tentative seniority list of ASK-cum-Clerks notified vide No. dated 15.04.2022;

Whereas, the committee constituted vide No. DFCS&CAK/Adm/B-X-306 dated 27.06.2022 submitted its report and decided / disposed of the objections and considered them as per merits;

Whereas, in view of above mentioned facts, the order bearing No. 506-DFCS&CAK of 2020 dated 22.12.2020 issued under endorsement No.DFCS&CAK/Adm/Law/PF-2636 dated 22.12.2020 has been withdrawn abi-initio vide order No. 436 DFCS&CAK of 2022 dated 01.07.2022;

Whereas, the recommendations of the committee were considered and incorporated in the final seniority list of ASK-cum-Clerks and accordingly notified vide order No. 441 DFCS&CAK of 2022 dated 08.07.2022;

Now, therefore, a tentative seniority list of employees viz Junior Assistants carrying pay scale of Rs.5200-20200 + GP Rs.2400/- (Revised 25500-81100 – L4) appended to this notification as Annexure – A is hereby framed and issued for the information of concerned employees / officials of this department for inviting objections, if any, within a period of twenty-one (21) days from the date of issuance of this notification and thereafter no objection shall be entertained. However, this is issued subject to outcome of writ petitions, if any, pending before any Hon'ble Court of law.

  
Director  
Food Civil Supplies & CA Deptt.,  
Kashmir  
Dated: - 15 -07-2022

No.: - DFCS&CAK/Adm/B-X-306/J.A

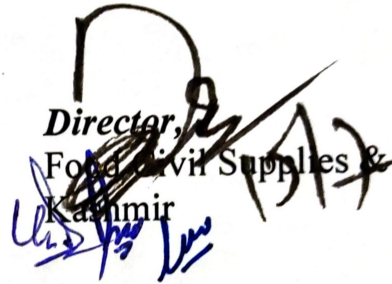
Copy to the: -

1. Commissioner/Secretary to Government – FCS&CA, J&K Civil Secretariat, Jammu for information.
2. Joint Director Information Kashmir along with two spare copies of this Seniority list for its wide publicity in two leading newspapers of the valley.
3. Chief Accounts Officer - FCS&CA Department Kashmir for information and necessary action.
4. All Deputy Directors - FCS&CA Department Kashmir for information and necessary action.
5. All Assistant Directors – FCS&CA Department Kashmir for information and necessary action. They are advised to circulate the seniority list among the employees of their respective districts.
6. Assistant Legal Remembrancer - FCS&CA Department Kashmir for information and necessary action.
7. In-charge Departmental Website – FCS&CA Department, Kashmir with the directions to upload the seniority list on the departmental website immediately.
8. Notice Board.

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Annexure "A" to Notification No.DFCS&CAK/Adm/B-X-306/J.A dated 15 - 07-2022

S.No.	Name Of the Official	R.No.	Qualification	Date of birth	Date Of Apptt
1	Mr. Mudasir Mushtaq	5292	Post Graduate	13.04.1980	04.02.2013
2	Mr. Ghulam Nabi	5811	10 + 2	22.07.1983	21.09.2013
3	Mr. Muneer Ahmad	5380	Matric	02.03.1987	21.09.2013

  
Director,  
Food Civil Supplies & CA Deptt.,  
Kashmir