



**Government of Jammu and Kashmir**  
**Agriculture Production Department**  
**Civil Secretariat, Jammu.**

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Subject:- Contempt No. 668 of 2017 in SWP No. 1254/2006 titled Rakesh Khajuria & others V/s Shri Sundeep Kumar Nayak (IAS) & others.

**Government Order No. 325-Agri of 2018**  
**D a t e d: 12 -12-2018**

Whereas, 156 vacancies of Junior Agriculture Assistants were advertised vide advertisement Notification dated 05.04.1996 out of which 78 posts were notified for Open Merit Category; and

Whereas, 78 candidates were selected under Open Merit Category. However, the Department vide Government Order No. 234-Agri of 1997 dated 09.04.1997 issued appointment orders in favour of 68 candidates only without mentioning any reason; and

Whereas, the candidates who were dropped, being aggrieved approached the Hon'ble High Court at Jammu by way of filing SWP No. 744/1997 titled Rakesh Khajuria & Ors. V/s State of J&K & others, which was disposed of vide judgment/order dated 08-12-1998 with the direction to the State authorities to issue appointment orders in favour of the petitioners; and

Whereas, pursuant to the Hon'ble court directions dated 08.12.1998, the Agriculture Production Department vide Government Order No. 161-Agri of 1999 dated 21-04-1999 issued appointment order in favour of the petitioners. Thereafter, a tentative seniority list of Junior Agriculture Assistants was issued vide order dated 18-04-2006 and it was notified that the placement in the seniority list shall be strictly on the basis of merit indicated in the merit list issued by the SSRB. The names of the petitioners accordingly figured at S. No. 1457 to 1465; and

Whereas, the other counterparts of the petitioners who participated in the same process of selection were granted the benefit of in-situ promotions vide order dated 04.05.2006; and

Whereas, in the aforesaid factual background, the petitioner filed instant writ petition bearing SWP No. 1254/2006 titled Rakesh Khajuria & others v/s State of J&K and others before the Hon'ble High Court at Jammu for inter-alia following reliefs:-

- a) ***By issuance of writ in the nature of Mandamus commanding the respondents to consider the case of the petitioners at par with the other candidates selected alongwith the petitioners and to accord the petitioners all the service benefits retrospectively as have been accorded to the above referred candidates.***
- b) ***Commanding the respondents to place the petitioners at appropriate places in the seniority list of Jr. Agriculture Assistants alike other candidates selected by way of same select list.***

Whereas, the above said writ petition was disposed of by the Hon'ble High Court at Jammu vide its judgment dated 02.12.2016 and was pleased to pass the following directions:-

***"...the writ petition is disposed of with the direction to the respondents to consider the case of the petitioners at par with other candidates selected in pursuance of the advertisement notification dated 26-03-1997 and to place them at appropriate places as per their merit in the seniority list and to accord all consequential benefits....."***

Whereas, in compliance to the Hon'ble High Court order dated 02.12.2016 the matter was examined in the department in terms of Rule 24 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 and it was found that the petitioners have been deprived of the said benefits without any fault and accordingly, vide communication No. Agri/NG/Legal/61/16 dated 16.03.2018, the Director Agriculture, Jammu was directed to consider the case of the petitioners in light of the court order dated 02.12.2016 at par with other candidates selected pursuant to the notification dated 28.03.1997 and to place them at appropriate places as per their merit in the seniority list and to accord all consequential benefits notionally; and

Whereas, the Director Agriculture, Jammu vide his communication No. Agri/DAJ/Estt-4/Court/2017/298 dated 19-04-2018 has submitted that the seniority of JAAs/JAEOs is to be fixed at State level being State Cadre Post, which lies within the domain of Administrative Department and sanction to the grant of all consequential benefits notionally from the date 09.04.1997, i.e. the date their counterparts were engaged and monetarily from 21-04-1999 in the Pay Grade of Rs 2000-200-3200 can be accorded by Directorate; and

Whereas, the department is facing contempt proceeding before the Hon'ble Court and there is every apprehension that any adverse orders may be passed against the department;

Now, therefore, after thoughtful consideration of the facts and the records pertaining to the case of the petitioners and after considering the communication

dated 19.04.2018 viz.-a-viz. the Hon'ble High Court directions dated 02.12.2016 passed in SWP No. 1254/2006, it is hereby ordered to place the below named petitioners at appropriate places as per their merit in the seniority list at par with other candidates, who were selected vide notification No. SSB/PS/530/97 dated 28.03.1997 and to place them notionally from the date their counterparts were appointed i.e. 09.04.1997 and monetarily w.e.f. 21-04-1999 in the Pay Grade of Rs 2000-200-3200;

S. No.	Name	Parentage	Designation
01	Rakesh Khajuria	Shri Krishan Lal	JAEO
02	Vishal Raina	Shri Mahesh Kumar Raina	JAEO
03	Kanwar Pal Singh	S. Birinder Singh	JAEO
04	Dheeraj Singh	Shri Yoj Raj Rathore	JAEO
05	Dharmvir Singh	Shri S. Sanmukh Singh	JAEO
06	Ajay Kumar	Shri Rajinder Kumar	JAEO
07	Narinder Kumar	Shri Bangali Ram	JAEO
08	Rajeev Kumar	Shri Romesh Chander	JAEO

**By order of the Government of Jammu & Kashmir.**

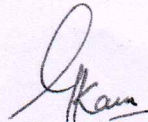
sd/-  
**(Manzoor Ahmad Lone) IAS**  
**Secretary to the Government,**  
**Agriculture Production Department**

No. Agri/NG/Legal/61/2016

Dated 12-12-2018

Copy to the:

1. Director, Agriculture, Jammu.
2. OSD to Advisor (G) to Hon'ble Governor, J&K State.
3. Private Secretary to Secretary, Agriculture Production Department.
4. Concerned Officials/petitioners.
5. I/C Website Operator, Agriculture Production Department.
6. Govt. Order file/Stock file (W.3.S.C)

  
**(Gurdeep Kour)**  
 Under Secretary to Government,  
 Agriculture Production Department