

**Government of Jammu and Kashmir
Animal/Sheep Husbandry and Fisheries Department
Civil Secretariat, Srinagar/ Jammu.**

**Subject: Hon'ble Central Administrative Tribunal, Jammu's Order
dated 06.05.2021 in O.A No. 61/764/2021 titled Hasmat
Chowdhary Vs UT of J&K and Ors.**

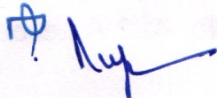
Government Order No. 107-ASH of 2021

Dated : 20-07-2021

Whereas, the Department vide Government Order No. 72-ASH of 2021 dated 29.04.2021 has assigned the lookafter charge of Joint Directors and Deputy Directors/ Equivalent to the officers, who have requisite experience as per the Jammu & Kashmir Animal Husbandry (Gazetted) Service Recruitment Rules, 1988 and some officers, who were lacking requisite experience of three years were also asked to lookafter the work of higher posts, in addition to their own duties, for smooth functioning of the Government work, as looking after/ interim arrangement with the condition that assigning the charge of higher post is purely temporary arrangement for smooth working of the department and it shall not confer any right for preferential treatment for regular promotion, which shall always be governed by the rules in vogue;

Whereas, Dr. Hasmat Chowdhary, (VAS) I/C Junior Poultry Geneticist, Jammu, aggrieved by the above said order, approached the Hon'ble Central Administrative Tribunal, J&K Jammu, vide O.A No. 61/764/2021 titled Hasmat Chowdhary Vs UT of J&K and Ors with the prayer:-

- I. Seeking quashing of Government Order No. 72-ASH of 2021 dated 29.04.2021 issued by respondent No. 2, by virtue of which, private respondent No.4 has been promoted as I/C Superintendent CVH, Jammu after retirement of Dr. Davinder Singh on 30.04.2021 which is patently illegal, arbitrary, unjustified and also contrary to the seniority position, in the given facts and circumstances of the case.
- II. Seeking directions upon the respondent to promote the applicant as I/C Superintendent CVH, Jammu in view of her



seniority and eligibility as the applicant is far senior than the private respondent.

- III. The Hon'ble Tribunal may kindly award such other relief(s) as may be considered appropriate in the circumstances of the present case.

and the Hon'ble Central Administrative Tribunal, Jammu was pleased to pass an order dated 06.05.2021, the operative part of the said order is reproduced as under:-

".....Looking to the facts and circumstances of the case, we are of the view that the O.A. can be disposed of by directing the respondents to take a decision with regard to grievance of the applicant. Accordingly, we dispose of the O.A. with direction to the respondents to consider prayer of the applicant to promote him as I/C Superintendent, CVH, Jammu in light of the legal position as stated in the proceeding paras and further subject to the condition that the applicant does not suffer from any impediment or disqualification and is eligible to be considered for the post in question. A decision in the regard be taken and communicated to the applicant within a period of two months from the date of receipt of certified copy of this order.

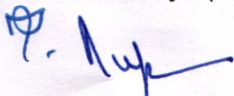
It is made clear that we have not entered in to the merits of the case.

There shall be no orders as to cost"

Whereas, the Jammu & Kashmir Animal Husbandry (Gazetted) Service Recruitment Rules, 1988 was notified vide SRO-359 dated 01.12.1988 read with SRO-897 dated 26.10.2019. The method of recruitment for the post of Deputy Director/ equivalent is:

"By promotion from officers in Class-V with at least three years experience".

Whereas, Dr. Abdul Majid (ST), VAS, (Respondent No. 4) was placed as I/C Livestock Development Officer/ Equivalent vide Government order No. 55-ASH of 2013 dated 27.02.2013 and vide Government Order No. 203-ASH of 2013 dated 22.07.2013, the seniority of Dr. Hasmat Chowdhary, (Applicant) has been re-fixed at S.No. 426-A i.e below of Dr.

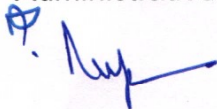


Ravi Singh Manhas and above Dr. Azhar Ashgar Bichoo (S.No. 427-RBA) and Dr. Abdul Majid (S.No. 428-ST) in the final Seniority list of VASs issued vide Government order No. 50-ASH of 2013 dated 27.02.2013, as she was deemed to have been appointed notionally w.e.f 29.07.2004 and on regular basis from 26.10.2004, for purpose of determination her seniority alone, vide Government Order No. 158-ASH of 2013 dated 23.05.2013;

Whereas, vide Government order No. 232-ASH of 2013 dated 13.09.2013, among others, Dr. Hasmat Chowdhary was placed as I/C Livestock Development Officer/ Equivalent and at present Dr. Hasmat Chowdhary, is figuring at S.No. 248 in the final seniority list of Veterinary Assistant Surgeons of Animal Husbandry Department issued vide Government order No. 117-ASH of 2020 dated 29.10.2020;

Whereas, the Department has not made substantive placements for the post of Deputy Director/Equivalent, as the requisite number of eligible members of the service are not available. Few of the eligible members who have requisite experience belong to reserved categories only. Dr. Abdul Majid (ST) (Respondent No. 4) was placed as I/C Livestock Development Officer/ Equivalent vide Government order No. 55-ASH of 2013 dated 27.02.2013, whileas Dr. Hashmat Chowdhary was placed as I/C Livestock Development Officer/ Equivalent vide Government order No. 232-ASH of 2013 dated 13.09.2013. Therefore, on the basis of experience/placement, Dr. Abdul Majid (ST) has been assigned lookafter charge of the post of Deputy Director/ Equivalent as interim arrangement for smooth functioning of the Government work;

Whereas, some member of the Jammu & Kashmir, Animal Husbandry (Gazetted) Service have already approached the Hon'ble Central Administrative Tribunal, Jammu Bench against the issuance of Government order No. 72-ASH of 2021 dated 29.04.2021, vide O.A No. 61/877/2021 in the case titled Dr. Kulbushan Abrol & Ors V/s UT of J&K & Ors. and on the basis of interim order dated 16.06.2021, the Department issued the consideration order vide Government Order No. 94-ASH of 2021 dated 01.07.2021, wherein representations of the applicants have been considered and were found devoid of merit, hence rejected. Presently, the matter is sub-judice before the Hon'ble Central Administrative Tribunal Jammu and has bearing on the instant matter.



Now, therefore, in view of above facts and circumstances and in compliance to the Hon'ble Central Administrative Tribunal Jammu Bench's order dated 06.05.2021 in O.A No. 61/764/2021 titled Hasmat Chowdhary Vs UT of J&K and Ors., the prayer/ representation of the applicant has been considered and is found devoid of merit at this stage, hence, rejected.

By order of the Government of Jammu and Kashmir

Sd/-

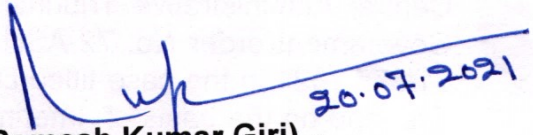
**(Navin K. Choudhary), IAS
Principal Secretary to the Government
Animal / Sheep Husbandry & Fisheries Department**

No. ASHF-Lit/17/2021-05

Dated: 20-07-2021

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New-Delhi.
2. Director, Animal Husbandry Department, Jammu/ Kashmir.
3. Mr. Amit Gupta, Learned Additional Advocate General with the request to apprise the Hon'ble CAT, Jammu.
4. Director, Archives, Archaeology and Museums, J&K.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
6. Mr. Sudarshan Sharma, Advocate, J&K High Court, Jammu
7. Private Secretary to Principal Secretary to the Government, Animal / Sheep Husbandry & Fisheries Department for information of the Principal Secretary.
8. Incharge Website, Animal / Sheep Husbandry & Fisheries Department.
9. Government orders file (w.2.s.c)


(Romesh Kumar Giri)

**Under Secretary to the Government
Animal/Sheep Husbandry & Fisheries Department**