

I/257909/2023



Government of Jammu and Kashmir
Directorate of Sheep Husbandry Jammu

Rail Head Complex, Jammu-180004

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Subject: Seniority List of Stock Assistants of Sheep Husbandry Department, Jammu Division - Disposal of Representations/ Objections thereof.

ORDER NO. 384 - SHDJ of 2023

DATED 09 -08-2023

Whereas, a tentative seniority list of Stock Assistants of Sheep Husbandry Department, Jammu Division as it stood on 01.10.2022 was circulated by this Directorate under endorsement No. DSHJ-ESTTONG/2/2021/8058-84 dated 03.10.2022, amongst the members of Service concerned calling for their representations/objections, if any, against the said seniority list; and

Whereas, in response to the above circulation, the following officials have submitted objections/representations against the tentative seniority list of Stock Assistants: -

S. No.	Name of the Official (Mr./Ms.)	Serial No. in Tentative Seniority List	Objection raised in brief
1.	Ashwani Kumar (SC)	31	Correction of Date of Birth.
2.	Chander Pratap Singh	78	The official has appointed in the Department through reserve panel and has requested to place him in the seniority list as per merit of JKSSB.
3.	Shahid Iqbal	86	The official has appointed in the Department through reserve panel and has requested to place him in the seniority list as per merit of JKSSB.
4.	Swati Sharma	88	Objected to the period mentioned as Dies-Non against her name in the tentative seniority list.
5.	Muneer Hussain (ST)	128	Correction of name and qualification.

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(Handwritten signature and initials)

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Whereas, after due consideration and verification of the submitted documents/orders/certificates etc. and as per records of this Directorate, the claim of Mr. Ashwani Kumar (SC) and Mr. Muneer Hussain (ST) has been considered and necessary corrections have been made in the final seniority list; and

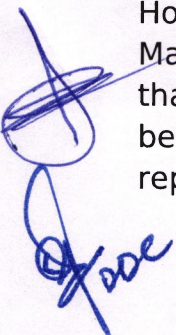
Whereas, the objection/representation of Ms. Swati Sharma has been examined in this Directorate and found that the official resigned from Govt. services on 08.11.2018 and thereafter rejoined services on 19.11.2018 and accordingly this Directorate vide Order No. 271-SHDJ of 2018 dated 24.11.2018 treated the absence period w.e.f 08.11.2018 to 18.11.2018 (11 days) as Leave without Pay (Dies-Non) and as such the representation of the official is devoid of merits and hence rejected; and

Whereas, two Stock Assistants namely Mr. Chander Pratap Singh and Mr. Shahid Iqbal, who have been appointed under reserve panel (waiting list), aggrieved of their position assigned in the revised tentative seniority list of Stock Assistants made representation to this Directorate with the plea that the candidates lower in merit have been placed above them in the seniority list and have attached Hon'ble Central Administrative Tribunal, Principal Bench New Delhi's judgment dated 24.03.2022 in O.A No. 1776/2020 MA No. 350 of 2022 with O.A No. 130/2020 titled Ms. Pallavi Gupta versus Union of India & Others whereby directions have been given for fixation of seniority on the basis of merit obtained by a candidate irrespective of whether he/she is in the Main Panel or in the Reserved Panel (Waiting List); and

Whereas, in order to issue final seniority list of Stock Assistants of Sheep Husbandry Department Jammu, this Directorate vide communication No. DSHJ-ESTTONG/2/2021/12078 dated 21.12.2022 take up the matter with the Administrative Department and sought their clarification/advice regarding fixation of seniority of candidates selected under Reserve Panel (Waiting List); and

Whereas, in the meanwhile, the Hon'ble High Court of Delhi vide judgment dated July 12, 2023 in W.P (C) 14908/2022, CM APPLs. 45835/2022 & 53190/2022 titled Union of India and Anr. versus Ms. Pallavi Gupta & Ors. and W.P (C) 16852/2022, CM APPL. 53356/2022 titled Union of India & Ors. versus Mr. Sunil Rathee & Ors. set aside the orders of the Hon'ble Central Administrative Tribunal, Principal Bench New Delhi dated March 24, 2022 in O.A No. 1776/2020 and O.A No. 130/2020 and ordered that candidates recommended later from the reserve list had to be placed below those in the main list. The relevant part of the judgment is reproduced as under: -

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"44. In other words, both the judgments on which reliance has been placed by the Tribunal have been either diluted or set aside and as such, could not have been considered by the Tribunal while allowing the O.A. filed by the respondent No.1 in W.P.(C) 14908/2022 and respondent Nos.1 and 2 in W.P.(C) 16852/2022.

45. Insofar as the submissions made by Mr. Bhardwaj by relying upon OMs dated August 8, 2013 and January 9, 2014 issued by DoP&T, are concerned, a perusal of paragraph 2 of both the OMs makes it clear that they relate to inter-se seniority of candidates recommended on the basis of a particular service through the Civil Service Examination, on the basis of aggregate marks obtained by the candidates. The said OMs do not relate to the situation with which this Court is concerned in these petitions; i.e., the manner in which seniority shall be determined between a candidate in the Main List and a candidate appointed later through the Reserve List. The said OMs have no applicability herein.

46. In view of the clear exposition of law, it must be stated that the impugned Seniority List issued by the petitioners is justified. We set aside the impugned order of the Tribunal dated March 24, 2022, in O.As.1776/2020 and 130/2020. The pending applications are dismissed as infructuous. No orders as to costs."

Whereas, Mr. Chander Pratap Singh and Mr. Shahid Iqbal have been appointed under reserve panel i.e. after operation of waiting list due to non-joining of two candidates from amongst the candidates recommended for appointment in the first selection list and both these selection lists have been recommended at different point of time and therefore the merit of candidates of these selection lists cannot be compared in view of the judgment of Hon'ble High Court mentioned herein above. Thus the candidates falling in first selection list shall be placed

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above and the candidates falling in second selection list shall be placed below and after the last candidate of first selection list in the seniority list. As such, the objections filed by Mr. Chander Pratap Singh and Mr. Shahid Iqbal found devoid of merit and hence rejected.

Sd/-
(Dr. Naseem Javaid Chowdhary) JKAS,
Director,
Sheep Husbandry Department,
Jammu.

No. DSHJ-ESTT0NG/2/2021/ 7917-51 Dated: 09.08.2023

Copy to the: -

1. Joint Director (Extension/Farms), Sheep Husbandry Department Jammu.
2. All DSHOs/DDOs of Sheep Husbandry Department, Jammu.
3. Private Secretary to Principal Secretary to Government, Agriculture Production Department, J&K for information of Principal Secretary.
4. Incharge Website, Directorate of Sheep Husbandry Jammu.
5. All concerned.
6. Notice Board.

--- for information and necessary action.

(Dr. Surinder Gupta),
Deputy Director (Central),
Sheep Husbandry Department,
Jammu.

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