



Government of Jammu and Kashmir
Office of the Financial Commissioner (Revenue) Jammu and Kashmir
Srinagar.

Subject:- SWP NO.1957/2014 titled "Nazir Ahmed Wani & others v/s State and Others".

ORDER NO: FCR/WRIT/162 of 2015
DATED: 16.06.2015

Whereas, in the service writ petition SWP no.1957/2014 titled "Nazir Ahmed Wani & others v/s State and Others", Hon'ble High court on 17.10.2014 passed an order, operative part of which reads as: -

" Considered.

Respondents shall accord consideration to the cases of the petitioners for being placed as Incharge Naib Tehsildars as against the available posts, more particularly in the light of recommendations made by the Deputy Commissioner(Central) vide his communication dated 19.08.2014. Objections, if any within notice period."

Whereas, vide this office letter no. FC(A) 160/Misc/2014 dated 19.08.2014, appropriate instructions were sought from the Administrative Department in relaxation of norms for promotion of Girdawars to the post of look after Naib Tehsildars;

Whereas, this office vide letter no.FCR/WRIT/2234/14/K dated 20.11.2014, had once again requested the Administrative Department to

intimate the outcome of this office letter No. FC(A)/160/Misc/2014 dated 19.08.2014, but the reply in the matter is still awaited;

Whereas, in pursuance of the Cabinet decision no. 128/11/2014 dated 16.07.2014, Government in Revenue Department created 301 Niabats;

Whereas, to make these Niabats functional, qualified Girdawars against the available promotion quota posts, vide this office order No.FC(A)162 of 2014 dated 30.07.2014 were placed as Naib Tehsildars on Incharge basis;

Whereas, in the whole process, the posts of Naib Tehsildars under promotion quota got exhausted and so, in order to make the newly created Niabats functional, the only option left was to temporarily utilize the direct quota posts;

Whereas, due to non availability of Direct recruits, the Department considered to place qualified Girdawars as "Look after" Naib Tehsildars to meet the administrative exigency;

Whereas, the said arrangement was made on strictly interim/stop gap basis against the direct recruits posts for Naib Tehsildars for one year or till the posts are filled up by Service Selection Board whichever be earlier;

Whereas, now the Service Selection Board vide advertisement No. 01 of 2015 dated 07.04.2015.read with the addendum no. SSB/Sel/Secy/2015/5265-77 dated 29.05.2015 with the said advertisement notification, has advertised 155 posts of Naib Tehsildars;

Whereas, it is expected that the appointments against the advertised posts may be made shortly as and when the selection procedure is completed by the said Board;

Whereas, since the placement of fully qualified Girdawars as "look after" Naib Tehsildars were made against the available Direct quota posts



and that too on stop-gap arrangement, a situation may arise when such look after Naib Tehsildars may be reverted back as Girdawars in order to make such posts available for the Direct recruits;

Whereas, in compliance of the Hon'ble High court directions, the claim of the petitioners for their placement as Incharge Naib Tehsildars has been considered / examined in terms of their eligibility and availability of posts;

Whereas, it has been found, after due examination of the case, that there are no vacant positions available under the Promotion quota and Direct quota has already been utilized to meet the administrative exigency as mentioned above; hence, their plea for promotion/ placement as Incharge Naib Tehsildar cannot be considered.

Now, in view of the above position, the case of the petitioners for placement as Incharge Naib Tehsildars is hereby rejected.

Sd/-

(Dr. Arun Kumar) IAS

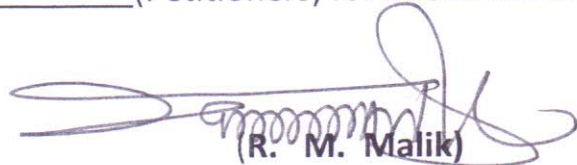
Financial Commissioner (Rev) J&K,
Srinagar

NO: FCR/WRIT/2380/J/15

Dated: 16.06.2015

Copy to:

1. The Registrar, Hon'ble High court, J&K, Srinagar.
2. The Additional Advocate General, Srinagar with the request to file the order before the Hon'ble High court, J&K, Srinagar.
3. Section Officer, Gazatted Section of this office.
4. Shri _____ (Petitioners) for information.
5. Incharge Website of this office.
6. Office file.



(R. M. Malik)

Administrative Officer
With Financial Commissioner (Rev)