

**Government of UT of Jammu & Kashmir**  
**Office of the Financial Commissioner (Revenue), J&K**

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**Subject:- Representation of Shamim Ahmad Ganie S/o Ghulam Ahmad Ganie R/o Dachan, Beerwah District Budgam appointed as Patwari for issuance of Seniority position and other service benefits**

**ORDER NO. :- 121 FC (REV) of 2022**  
**DATED:- 16-06-2022**

Whereas, Service Selection Board, vide Notification No. 02 of 2000 dated 29.09.2000 had advertised the posts of Patwari District Cadre Budgam and the selection list /waiting list was forwarded to this office by the Administrative Department vide letter dated:- 11-10-2010, followed by a waiting list of 05 candidates on 27-10-2011; and

Whereas, one of the candidate, namely Shri Shamim Ahmad Ganie aggrieved of his non-selection in the waiting list for the post of Patwari District Cadre Budgam filed a writ petition bearing No. SWP No. 40/2014 in the Hon'ble High Court, J&K challenging the selection/appointment of four candidates namely Yasmeena Aziz, Batoola Mehmood, Ghulam Hussain Dar and Bashir Ahmad Dar; and

Whereas, the Hon'ble High Court, J&K in SWP No. 40/2014, titled Shamim Ahmad Ganie V/s State of J&K &Ors. directed the respondents on 16-01-2014 to consider the case of the petitioner as under:-

*"...Petition at request is disposed of giving liberty to petitioner to voice his grievances through medium of a representation unless such a representation is already filed in any case representation proposed or already filed by considered on its own merits and decision taken as far as possible within four weeks from the date of receipt of copy of the Order."*

Whereas, Service Selection Board in compliance to the orders of the Hon'ble High Court, made recommendations vide Order No:- 343 SSB of 2015 dated:- 04-08-2015 and accordingly, formal appointment order in favour of Shamim Ahmad Ganie S/o Gh. Ahmad Ganie R/o Dachan, Beerwah District Budgam was issued vide this office Order No:- FC(ADM) 154 of 2017 dated:- 19-05-2017; and

Whereas, Shri Shamim Ahmad Ganie, Patwari made a representation before this office on 05-02-2018 for Seniority position along with Monetary and other service benefits; and

Whereas, this office vide letter No:-FC(NG-PTW)853/2010 dated:- 17-06-2019 requested the Administrative Department to take-up the matter with Department of Law, Justice and parliamentary Affairs for expert opinion/guidance which was received vide their letter No:- Rev/Lit/121/2015 dated:- 26-12-2019 as under:-

**"Department has to pass a speaking order after considering the case of the petitioner as per rules. However, Department will be at liberty to specify the legal issue(s), if any, involved in the matter for seeking advice/opinion of this Department at any stage."**

Whereas, the representation of the Shri Shamim Ahmad Ganie, Patwari has been examined/considered in light of the rules in vogue and it has been found that as per Rule 24 of the J&K Civil Services (Classification Control and Appeal) Rules 1956, the seniority of a person is to be determined from the date of his/her first substantive appointment; and

Now, therefore, in view of above legal position, the claim of Sh. Shamim Ahmad Ganie S/o Gh Ahmad Ganie R/o Dachan, Beerwah District Budgam, appointed as Patwari District Cadre Budgam for seniority retrospectively, being devoid of any merit, is hereby rejected.


Sd/-  
(ShaleenKabra) IAS  
Financial Commissioner (Rev.)  
J&K, Jammu


No:- FCR-NGAZ/136/2021-02-FCR (51757)

Dated:- 16 -06-2022

Copy to the:-

- 1) Commissioner/Secretary to Government, Revenue Department, Civil Secretariat, J&K for information.
- 2) Divisional Commissioner, Kashmir for information.
- 3) Deputy Commissioner, Budgam for information.
- 4) Sh. Shamim Ahmad Ganie S/o Gh Ahmad Ganie R/o Dachan, Beerwah District Budgam for information.
- 5) I/c website for uploading the same on the official website of this office.
- 6) Office Order file.

  
Pawan Kothwal (JKAS)  
Administrative Officer  
With Financial Commissioner (Rev.)  
J&K, Jammu

  
16/6/22