

Government of Jammu & Kashmir

Office of the Financial Commissioner (Revenue) J&K

Rail Head Complex Jammu, 180001/Amar Niwas, Tankipora Srinagar, 190001 (www.jkfcrr.nic.in)

PhoneNo. 0194-2459372, 0191-2470212, E-mail address jkfinancialcr@gmail.com

Subject: Appointment to the post of Patwari (Revenue Department) District Cadre Jammu in pursuance to Advertisement Notification No.06 of 2015 under Item No.506 issued by JKSSB thereof.

- References:
1. Hon'ble Central Administrative Tribunal, Jammu Order in T.A 5808/2020 in SWP 283/2018 titled Kushal Dev Singh Vs State of J&K and Ors dated 07.05.2024;
 2. Jammu Kashmir Service Selection Board Order No. 374-SSB of 2024 dated 06.11.2024
 3. Verification of character and Antecedents, Form No.120651 dated 17.01.2025 from Criminal Investigation Department, J&K.

ORDER NO: 242- FC (Rev) of 2025

D A T E D: - 30-01-2025

Whereas, the J&K Services Selection Board invited application forms from the eligible candidates for various posts including the post of Patwari, District Cadre Jammu vide Advertisement notification no.06 of 2015 dated 01.09.2015 under Item No.506; and

Whereas, the petitioner/applicant applied for the aforesaid post, however the admit card was not issued to the applicant by the JKSSB due to payment issue for appearing in the written examination. Feeling aggrieved of non-issuance of admit card, the applicant filed writ petition bearing no. SWP 283/2018 titled Kushal Dev Singh Vs State of J&K and Ors. seeking following reliefs:

- i. Commanding respondent no. 3 to issue admit card and allow the petitioner to appear in exams of Patwari advertised vide notice no. 06 of 2015 dated 01.09.2015 under item no. 506 for District Jammu.
- ii. Commanding the respondent no. 04 transfer the examination fee received by the same tuning to Rs. 400 in account of Respondent no. 2 and 3 or to clarify the transfer of examination fee deposited with respondent no. 4 vide Challan dated 30th of September.

Whereas, the Hon'ble High Court while considering the writ petition on 21.02.2018 passed the following interim directions:

"Meanwhile, subject to objections in the MP, the petitioner shall be allowed to appear in the exam for the post of Patwari in terms of Advertisement notice no. 06 of 2015, Item No. 506. The result of the petitioner, however, shall not be declared till further orders."

Whereas, in compliance to the Hon'ble Court directions, the applicant was allowed by the JKSSB to participate in the selection process and for the post of Patwari in terms of advertisement notification no. 06 of 2015, Item No.506.

Whereas, the JKSSB conducted the Written Examination for the aforesaid post and issued the Selection List and forwarded the same to the Indenting department vide communication no. SSB/Secy/Sel/J/23/2019/645-51 dated 22.01.2019 wherein the result of the applicant was kept reserved and the slot at S.no 17 under OM category has been kept vacant in light of Hon'ble High Court directions; and

Whereas, the case was transferred to the Hon'ble Central Administrative Tribunal, Jammu bearing no. TA 5808/2020 and the Hon'ble Tribunal vide order dated 19.03.2024 directed the Board to produce the result of the applicant, the operative part of which is reproduced below:


"Service Selection Board is directed to produce the result in sealed cover before this Court on 26.03.2024 at 03:00 pm in the Chamber."

Whereas, the result was produced by the JKSSB before the Hon'ble Tribunal and the Hon'ble Tribunal vide Order dated 26.03.2024 passed the following directions, the operative part of which is reproduced below:

"Today, Mr. Hunar Gupta, learned D.A.G. along with Law Officer, was present along with records before this Court. On the perusal of the record, it was found that the applicant's result was withheld by the SSRB on the ground that he has not deposited the requisite fee."

As per the averment made by the applicant counsel, a fee of Rs. 400/- was deposited by him, in J&K Bank, Akhnoor Branch and the receipt of the same is annexed along with this T.A. as Annexure-D. Despite the notice of the Hon'ble High Court, J&K Bank failed to file the reply. So, now the respondent No. 4 i.e. Manager, J&K Bank, Branch-Akhnoor, is hereby directed to produce the record of this receipt dated 30.09.2015, by virtue of which the applicant had deposited the fee amount."

The Bank Manager would also clarify whether this amount has been credited in the account of SSRB or not. "

 Whereas, the Hon'ble CAT disposed of the case vide Order dated 07.05.2024 with the following directions, the operative part of which is reproduced as under:

"...It is a fit case where a heavy cost should be burdened upon the respondent-Service Selection Recruitment Board(SSRB) for their sheer negligence and irresponsible behavior, to the tune of Rs. 25,000/- which should be paid to the aggrieved petitioner and this amount should not be taken from the Government money because the public exchequer cannot be burdened for the omission and commission of the dealing Assistant/ Clerk. So, the amount

shall be recovered from the salary bills/pension(in case retired) of the erring official who was dealing this matter at that time.

In view of the above, respondent nos. 2 and 3 are directed to declare the result of the applicant against the advertisement vide notice no. 6 of 2015 dated 01.09.2015 under item no. 506 for the post of Patwari, Jammu District and recommended it to the respondent no.1 (Commissioner/Secretary to Govt., Revenue Deptt., Civil Secretariat, Jammu/Srinagar) within a period of four weeks from today and respondent no.1 is directed to issue the appointment letter to the applicant within a period of two weeks, thereafter..."

Whereas, the matter was enquired from the concerned clerk, the records were also checked along with the compliance report filed by the Branch Head, J&K Bank Akhnoor and it was found that there is variation in the application number against which the payment was shown by the J&K Bank in their compliance report and the application number attached by the applicant/petitioner with the writ petition; and

Whereas, the matter was taken up with the Branch Manager, J&K Bank Polo view Srinagar Branch vide letter dated-08.05.2024 holding the account of JKSSB to verify as to whether Mr. Kushal Dev Singh has deposited Rs. 400 against application no. 1506506003395 on 30.09.2015 into the bank account of JKSSB operational with their branch. In reply, the Branch Head clarified that after checking the records of the date 30.09.2015 there has been no entry against the application no **1506506003395** on 30.09.2015.

Whereas, the matter was further examined by the JKSSB and after seeking approval from the Department of Law, Justice and Parliamentary Affairs, the JKSSB filed Review petition before the Hon'ble Tribunal for recalling the judgment dated-07.05.2024 and the Hon'ble Tribunal vide order dated- 08.06.2024 passed the following directions:-

"The instant Review Petition has been filed by Mr. Hunar Gupta, Ld. DAG seeking direction of this Tribunal for recalling of order dated 07.05.2024 passed in T.A. No. 5808/2020.

Vide order dated 07.05.2024, respondents are directed to recommend the name of applicant for appointment to the Administrative Department and cost of Rs. 25,000/- was imposed on dealing assistant dealing clerk for his negligence and irresponsibility.

On this stage, the applicant, namely, Kushal Dev Singh has deposited the fee in the Bank of J&K, Akhnoor vide receipt no. 1506500003395 on 30,09.2015, which is the authorized agent of SSRB, well in time. So, it is not his fault and he should not be penalised for non-commission of any error.

In view of above, respondents are directed to recommend his name to the indenting department within a period of four weeks from today and indenting department is directed to issue appointment letter to the applicant. The second part of the

impugned order is kept in abeyance till the final disposal of this Review Petition.

List this case on 06.08.2024.

In the meantime, Registry is directed to issue notice to all the private respondents."

Whereas, in the meantime, the applicant filed Contempt petition bearing no. 238/2024 wherein the Hon'ble Tribunal vide 16.10.2024 passed the following directions:

"List the Contempt Petition along with R.A. No. 6/2024 on 07.11.2024."

Whereas, the JKSSB placed the matter in 282nd Board Meeting held on 03.09.2024 and the decision of the Board is reproduced as under:

"The matter was deliberated in the Board and it was noted that there is vagueness in the report of the Banks with regard to the deposition of fee, if any, made by the applicant. Accordingly, it was decided that the concerned Bank may be approached for a clear report with regard to the actual application number against which the payment may have been received. Besides, the authenticity of the challan produced by the candidate may be verified from the Bank.

Additionally, the Legal Section shall examine as to whether the instant case is falling under the AC Decision No. 1/1/2022 dated 29.01.2022 regarding withdrawal of posts and as per the UO No, Law-Ser-1/41/2022-10 dated 26.05.2022 of the Department of Law, J&PA conveyed by the General Administration Department vide UO No. GAD- MTG0RBIV/46/2022-09(145866) dated 19.03.2024."

Whereas, the matter was also considered by the JKSSB in light of the opinion of Department of Law, Justice and PA in another case vide UO No. LA W- Seri/4 1/2022-10 dated 11.03.2024, is referred as under:-

"In terms of Administrative Council decision regarding withdrawal of posts as well as advisory issued vide OM dated 03.08.2023, the posts for which(a) selections have not been finalized, and (b) the posts in respect of which there are pending litigation in different courts have been withdrawn and these posts are to be treated available with the respective departments and not with the respective recruiting agencies from the date 03. 02.2022.

In the instant case, the selection was finalized prior to the aforesated Administrative Council decision and the court case was also disposed of by the Hon'ble High Court vide order dated 09.04.2019 i.e much prior to the Administrative council Decision. However, the implementation of judgment got delayed due to administrative reasons, as such, the case squarely falls within the ambit of opinion conveyed vide UO dated 26.05.2022 clause(ii)."

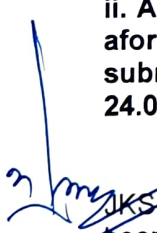
Further the clause (ii) reads as under:

All cases which are/were sub-judice, and (i) where selection has been finalized by the selection agency (ii) where recommendation have been received from the recruiting agencies and, (iii) cases in which results have been declared, may not come under the ambit of decision of Administrative Council. The issuance of appointment orders in their favour will depend upon import of the orders of the Hon'ble Court and subject to approval of competent authority. As pointed out hereinabove, the decision of Administrative Council is to be read in conjunction, therefore only those court cases in which the selection has not been finalized or the results have not been declared shall fall within the purview of decision of Administrative Council.

In view of above, In the instant case the result was declared and the selection list was also issued by the Board. As such, the case does not falls under the ambit of AC decision.

Whereas, as per the decision of the Board, the matter was also taken up with the Branch Head, J&K Bank Limited, Polo View, Srinagar vide letter dated 04.09.2024 by the JKSSB and requested to kindly clarify/furnish the following information:

- i. Whether there has been an actual deposit of the requisite fee by the said candidate namely Kushal Dev Singh, against the application No. 1506506003395 or Application No. 1506500003395.**
- ii. A report into the authenticity of the challan produced by the candidate and the aforementioned letter from Branch head, JK Bank, Branch Akhnoor to this effect submitted by him in the Hon'ble Central Administrative Tribunal, Jammu dated 24.04.2024.**

 Whereas in response the J&K Bank vide letter dated 07.09.2024 submitted to the JKSSB that after verifying from the records in system (Finacle) of 30.09.2015, there has been no entry against the application no. **1506506003395**. Further, it is certified that credited that an amount of Rs 395- (Rupees Three hundred and ninety live only) has been credited into the account 1112040109997034 on 30.09.2015 vide transaction DC 86175 with transaction particulars as "**1506500003395**" and remarks as "Kushal Dev Singh". It was also intimated that on enquiry from the parent branch/initiating branch Akhnoor and as per the challan, it is confirmed that an amount of Rs 400 (Rs 395 plus Rs 5/- commission of the Bank) has been received on 30.09.2015 on account of Application No. 1506506003395 from Kushal Dev Singh; and

Whereas, the JKSSB again placed the matter in 284th Board meeting held on 03.10.2024 and the decision of the Board is reproduced as under:

"The Board took note of the report from the J&K Bank conveyed vide letter dated 07.09.2024, confirming the receipt of payment on 30.09.2015 on account of Application No. 1506506003395 from Kushal Dev Singh and decided to conditionally recommend him for the post of Patwari, advertised vide Notification No. 06 of 2015 dated 01.09.2015, under Item No. 506, subject to filing of the Review Petition. The Examination Section shall, however, confirm as to whether the merit secured by the petitioner is higher than the last candidate selected in his category."

Whereas, as per the decision of the Board, the JKSSB took up the matter with the concerned sections and as per available record, the merit of the applicant namely **Kushal Dev Singh S/o Ravinder Singh under OM category is 63.6666** and the merit of last selected candidate under OM category is **58.8334** and the applicant is figuring at **S.No. 17** under OM Category reserved by Hon'ble High Court; and

Whereas, the JKSSB, vide its Order No. 374-SSB of 2024 dated 06.11.2024, recommended the case of the petitioner/applicant namely **Kushal Dev Singh S/o Ravinder Singh R/o Village Mawa Karora(Karangji) P.O Gurha Brahmna Tehsil Akhnoor, District Jammu** to the Indenting Department (Revenue Department) for the post of **Patwari, District Cadre Jammu** advertised vide Advertisement notification no. **06 of 2015 dated 01.09.2015, Item No.506** under **OM** category at **S.No 17** in the selection list, subject to outcome of the Review petition bearing no. 06/2024 titled UT of J&K and Ors. Vs Kushal Dev Singh pending before the Hon'ble Tribunal, Jammu. This action of J&K SSB is in due deference to the directions dated 07.05.2024 of the Hon'ble Tribunal passed in TA 5808/2020 titled Kushal Dev Singh Vs State of J&K and Ors. read with Order dated 08.06.2024 passed in Review Petition No. 06/2024 and the decision of the J&K SSB in 284th Board meeting held on 03.10.2024. Further the J&K SSB posited that the other terms and conditions will be same as mentioned in the recommendation letter forwarded to the Indenting Department vide Communication No. SSB/Secy/ScVJ/23/2019/645-51 dated 22.01.2019.

Whereas, in light of the recommendations of the JKSSB, a report regarding Character and Antecedents of the appointee was sought from the CID J&K; and

Whereas, in the meantime, the applicant filed Contempt petition bearing no. 238/2024 wherein the Hon'ble Tribunal vide 30.12.2024 passed the following directions:

"To issue the appointment Order to the applicant after completion of CID verification, put up on 30.01.2025."

Whereas, the report regarding Character and Antecedents of the appointee was received from the CID J&K, vide Form no. 120651 dated 17.01.2025 wherein, it has reported that:

"As per index check/ Reports of Field Agencies there is nothing adverse against the following individual."

Now, therefore, on the recommendation of the J&K Service Selection Board and forwarded by the Administrative department vide e- office file no.7615132, sanction is hereby accorded to the temporary appointment of the below mentioned candidate as Patwari in the Revenue Department, District Cadre Jammu, in the pay level-4 (Rs 25500-81100), as indicated below:-

Sr. No.	Roll No.	District Cadre	Item Nos, as per notification of JKSSB	Name of the candidate (Mr./Ms.)	Parentage (Mr.)	Address	Selection Sr. No.	Date of Birth	Category
1.	30008000456	Jammu	506	Kushal Dev Singh	Ravinder Singh	Village Mawa Karora (Karangi) P.O Gurha Brahmna Tehsil Akhnoor, District Jammu	17	28.02.1990	OM

2. The appointee shall report to the Principal Revenue Training Institute, Jammu, within a period of twenty one (21) days from the date of issuance of this order and shall be allowed to join after the production of following documents/certificates (in original), to be verified subsequently:-

- i. Academic/ qualification Certificates.
- ii. Matriculation/Date of Birth Certificates.
- iii. Health Certificate from the concerned Chief Medical Officer of the District.
- iv. Domicile Certificate issued by the competent authority.
- v. Valid relevant Category Certificate, if any.

3. The above appointment shall further be subject to the following conditions:-

- a. That if the appointee has taken loan for self employment from DIC/ Employment Department, to be ascertained from the District Industries Centre (DIC) and District Employment & Counseling Centre of the domicile district, he shall relinquish the proprietorship of unit/enterprise and also stakes, if any, in such self employment unit/enterprise before joining the Government Service. He shall be required to repay the entire loan liability in

- concerned shall obtain an affidavit from the appointee regarding both relinquishment of proprietorship and stakes if any, in such a self-employment unit /enterprise and recovery to be made and shall also personally monitor its recovery.
- b. The salary of the appointee shall not be drawn and disbursed to him unless a satisfactory report in respect of genuineness of Qualification / Date of Birth / Relevant Category Certificate, etc. is received from the concerned Authorities/Agency.
 - c. The appointee shall give an undertaking in the shape of an affidavit to the effect that if, on verification, genuineness of the qualification /category certificate/ any other certificate from the concerned issuing authority are found fake/forged, the appointment shall be treated to have been cancelled abinitio.
 - d. The appointee shall be initially on probation for a period of two years.
 - e. The appointment of the appointee shall be governed by the "New Pension Scheme," as per SRO 400 of 2009 dated 24.12.2009.
 - f. The appointee appointed under RBA and ALC/IB category shall be posted in such areas at least for 7 years.
 - g. The inter-se-seniority of the appointee shall be determined in accordance with the merit secured by him in the selection list prepared by the J&K Service Selection Board and in terms of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.
 - h. The cadre allocated by Appointing Authority/SSB shall not be changed under any circumstances.
 - i. This appointment order is issued subject to outcome of any petition(s) pending in any competent Court/Tribunal.
4. If the appointee fails to join within a period of twenty one (21) days from the date of issuance of this order he shall forego his right to appointment which shall be deemed to have been cancelled abinitio without any further notice.

Sd/-
(Shaleen Kabra) IAS
Financial Commissioner, (Revenue)
J&K.



FCR-NGAZ/14/2025-06- 7641828

Dated: 30/01/2025

Copy to the:-

1. Commissioner/ Secretary, General Administration Department, J&K, for information.
2. Secretary to Government, Revenue Department, J&K, for information.
3. Divisional Commissioner, Jammu, for information.
4. Deputy Commissioner Jammu, for information and with the request to place him outside of his home Tehsil with a view to strengthen the peripheries/field offices

- rather than posting him in the Hqrs. (Copy of Selection list/ Release of recommendation issued by the J&K SSB is enclosed)
5. Director Archives, Archaeology and Museums, J&K.
 6. Director, Information, J&K with the request to kindly get this order published in two leading daily newspapers of J&K.
 7. Secretary, J&K Service Selection Board, J&K for information.
 8. OSD with Advisor (B) to Hon'ble Lieutenant Governor.
 9. Principal Revenue Training Institute, Jammu for information and necessary action.
 10. PS to FCR for the information of Financial Commissioner Revenue (J&K).
 11. I/c website for uploading the order on the website of FCR.
 12. Concerned appointee for information and compliance.
 13. Office order file.


(Dr. Tahir Firdous)JKAS
Additional Commissioner (Central)
With Financial Commissioner (Revenue)
J&K

30/1/2025
30/1/25