



**GOVERNMENT OF JAMMU AND KASHMIR  
DIRECTORATE OF FISHERIES, J&K**

Tourist Reception Centre, Srinagar/Nowabad Canal Road, Jammu  
(Email-jkfdjmu@gmail.com, Phone No. 0194-2500106, 0191-2951670)

**Subject: - Central Administrative Tribunal Bench, Srinagar order dated 23.09.2022 passed in T.A No. 1862/2021 titled Ali Mohammad Ganie V/S UT of J&K and others-compliance thereof.**

**Order No: 453-Fisheries of 2023.  
D a t e d: 09 - 10 -2023.**

**Whereas**, Sh. Ali Mohammed Ganie was engaged as part time sweeper in the Department on consolidated basis w.e.f 01.10.2011 against consolidated wages of Rs. 1000/- P.M. up to 30.08.2018 and all the wages have been paid to him.

**Whereas**, the services of Sh. Ali Mohammad Ganie were not utilized after 30.08.2018. Further the Government of J&K , as per Circular No. 30-GAD of 2019 dated 24.05.2019, has imposed ban on the engagement of casual/ seasonal/Adhoc/ Consolidated/contractual/need based/ daily rated workers etc, in view of provisions of the Jammu and Kashmir Civil Services (Special Provisions) Act, 2010. It has been impressed upon all the officers of the State Government under the said circular to Strictly adhere/observe the statutory rules and codal provisions in letter and spirit and also ensure that *any person appointed on adhoc/contractual/ consolidated/ temporary basis after the imposition of ban on such engagements i.e. on or after 29.04.2010 in contravention of the provisions of the Act shall forthwith cease to continue.*

**Whereas**, the engagement of Sh. Ali Mohammad Ganie was purely a temporary arrangement on need basis which arrangement has ceased to exist after the issuance of above mentioned government order.

**Whereas**, the temporary engagement of Sh. Ali Mohammad Ganie was made with a stipulation that the engagement is purely on temporary basis and shall not confer any right of regularization in the Department and shall be disengaged as and when needed without giving any notice of discontinuation.

**Whereas**, the Department has acquired one kanal of land under Khasra No. 5707 at Thayan Kalaroose owned by Sh. Ali Mohammad Ganie for construction of Watch and Ward Hut in the year 2010.


**Whereas**, the said land was notified for acquisition under Land Acquisition Act SVT, 1990 by the Collector Land Acquisition, Kupwara vide No. DCK/LAS/515-23 dated 11.07.2019.

**Whereas**, the compensation for the said land was fixed at Rs. 3,10500/- by Private Negotiation Committee (PNC) and the Department of Fisheries has deposited Rs. 3,00,000/- vide TR No. 18 dated 23.12.2019, TR No. 21 dated 17.02.2020 and TR. No. 95 dated 26.03.2020. The amount stands disbursed by ACR Kupwara in favour of Sh. Ali Mohammad Ganie vide (i) TV No. 01 dated 04.04.2023 Rs. 75000/- (ii) T. V No. 14 dated 08.03.2023 Rs. 150,000/- and (iii) T.V No. 15 dated 08.03.2023 Rs. 75000/- and the balance of Rs. 10,500/- will be deposited as early as possible.

**Whereas**, the petitioner filed the writ petition WP(C) No: 3335/2019 before the Hon'ble High Court of J&K at Srinagar which was subsequently transferred to CAT Bench Srinagar vide order dated 02.09.2020 under TA No. 1862/2021.

**Whereas**, the Hon'ble Central Administrative Tribunal, Bench, Srinagar has been pleased to dispose of the said petition vide order dated 23.09.2022 which reads as *"respondents are directed to consider the claim of the applicant in terms of rule 11(b) of the SRO 520/2017 within six weeks from today by passing a reasoned and speaking order"*

**Now in compliance** to the order dated 23.09.2022 passed by Hon'ble Central Administrative Tribunal Bench, Srinagar, the case of the applicant sh. Ali Mohammad Ganie has been examined considered on merits and same does not fall within the purview of SRO 520 dated 31.12.2017. Section 11 (b) (3) (ii) of SRO 520 dated 31.12.2017 mandates that where land compensation has been received by the land donor, the engagement orders cannot be issued. Therefore, in the instant case, the applicant has received land compensation and as such the claim of applicant being devoid of any merit, hence rejected.

  
(Mohammed Farooq Dar) JKAS  
Director Fisheries,  
Government of J&K.

No: DOF-ESTB/468/2023-05

Dated. 09 - 10 - 2023

**Copy to the:-**

1. Advocate General, J&K High Court for information please.
2. Joint Director Fisheries (North/South Kashmir Division for information.)
3. Private Secretary to the Principal Secretary to the Government, Agriculture Production Department, Civil Secretariat, Srinagar for information of Principal Secretary.
4. Assistant Director Fisheries Kupwara for information.
5. Ali Mohammed Ganie (applicant) for information.
6. Order file.