



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)

Sub: Hon'ble Central Administrative Tribunal, Srinagar's order dated 04-08-2023 passed in OA No. 615 of 2023 titled Talib-Ul-Haq V/S U.T of Jammu and Kashmir and others.

Order No. 409 Fisheries of 2023

Dated: 12/09.2023.

Whereas, Tentative Seniority List of Inspectors has been issued by J&K Fisheries Department vide Notification No. 01 of 2023 dated 01.05.2023 against which Sh. Talib-Ul-Haq (Inspector) among others filed objections/ representations.

Whereas, all the representations including that of Sh. Talib-Ul-Haq were disposed of on merits after meticulous examination of the relevant records in light of the existing rule position, date of availability of vacancy and maintenance of quota between direct recruits and promotees.

Whereas, in view of genuine grievances of few officials certain changes were incorporated in the tentative Seniority list and accordingly revised/2nd tentative seniority list was issued vide notification No. 02 of 2023 dated 14.07.2023 and objections were again invited from the concerned officials.

Whereas, Sh. Talib-Ul-Haq (Inspector) on 17.07.2023 filed representation, (almost replica of the previous one), against the revised/2nd Tentative Seniority list wherein he is seeking **Maintenance of his seniority position as per Seniority list issued vide order No. 04 of 2017 dated 15.12.2017.**

Whereas, all the Seniority lists of Inspectors and Equivalent category, including that of 2017, issued by Department of Fisheries from time to time have been quashed by the Hon'ble High Court, resultantly final Seniority list was issued by the Administrative Department vide Government Order 141-JK(ASH) of 2021, dated 05-10-2021 in which the Sh. Talib-Ul Haq didn't find his place in view of maintenance of quota between Direct recruits and promotes strictly in accordance with the rules. Seniority list has been framed by the Government in 2021 and the official didn't challenge the same till date which has attained finality. Therefore, the representation of Sh. Talib-ul Haq (Inspector) directed against revised/2nd Tentative Seniority list is devoid of any merit.

Whereas, the total Sanctioned Strength of Inspectors/equivalent as per SRO 296 of 2008 dated 10.10.2008 is 59 and method of recruitment is 50% by direct recruitment and 50% by means of promotion from the feeding cadre i.e. Fisheries Development Assistants. (30 DQ and 29 PQ).

Whereas, subsequently it was noted that the Final Seniority list of 40 Inspectors issued vide Government order No. 141 JK(ASH) of 2021 dated 05-10-2021 as it stood on 01-01-2010 includes besides 06 direct recruits, 34 Promotees instead of 29 thereby exceeding promotion quota by 05 posts which violates the guidelines issued under Cabinet decision No. 186/15 dated 27-11-2011 issued vide Government order No. 1017-GAD of 2002 dated 06-01-2002 as it provides that no quota be diverted from one cadre of appointment to another and whenever it has been diverted same should be restored to each source in future and no promotee should be put in direct recruitment quota.

Whereas, out of 40 inspectors 22 were promoted from the existing seniority list as it stood on 01.01.2010 issued vide Government order No 141(JK(ASH) of 2021 dated 05.10.2021 thereby indicating that 18 Inspectors figuring in the Seniority list (13 PQ and 05 DQ) exist in the tentative seniority list as it stood on 01.01.2010. However, in the meanwhile, 01 promotee has retired and 01 direct recruit has been appointed as FDO/PO by direct recruitment thereby reducing the existing strength to 16 only (DQ 04 and PQ 12)

Whereas, In order to update and remove the discrepancies in the seniority list and to maintain the sanctioned strength between direct recruits and promotion quota, 17 Inspectors under promotion quota have been added to the existing 12 promotees, thereby bringing the total promotion quota to 29. (Existing direct quota 04, PQ 12 and 17 more under PQ added/included in the Tentative seniority list)

Whereas, those officials who are working as Inspectors including Talib-Ul-Haq who didn't figure in the existing Seniority list or for that matter in the tentative seniority list were promoted to the post of Inspectors against Direct recruit quota which is violation of rules as mentioned hereinabove.

Whereas, Sh. Talib-Ul-Haq has not chosen to agitate his grievance at appropriate time when he was not included in the Final seniority list issued vide Government Order No. 141-JK(ASH) of 2021 dated 05.10.2021. The previous litigation, withdrawn by the official was at his own peril, as various seniority lists from the year 2017 onwards were issued and quashed by the Hon'ble High Court in various litigations.



Whereas, Sh. Talib-UI Haq approached the Hon'ble CAT, Bench, Srinagar with an OA No. 615 of 2023. The Hon'ble CAT Bench, Srinagar disposed of the petition on 04.08.2023 with the direction to the respondents *"to consider and take a decision on the representation/objections filed by the applicant and finalize the seniority list within four weeks thereafter by passing a reasoned and speaking order in accordance with law"*.

Now in pursuance to the directions of the Hon'ble Central Administrative Tribunal, Srinagar (CAT) issued in OA No. 615 of 2023 on 04.08.2023, the representation of Sh. Talib-UI-Haq has been considered and examined in light of the rules, availability of vacancy and maintenance of quota between direct recruits/ Promotees and has been found devoid of any merit , hence rejected.


Director Fisheries
J&K Government

No. DOF-LGL/17/2023-05

Dated -09-2023

Copy to the;

1. Principal Secretary to the Government, Agriculture Production Department, Civil Secretariat Srinagar for information please.
2. Concerned for information.
3. Order file.