

No. 22012/27/2019-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi 25th October, 2019

ORDER

Whereas, inter-alia in the Selection Committee Meeting held on 19.10.2004 for preparation of year-wise Select Lists of 2003 and 2004 for promotion to the IAS of Jammu and Kashmir Cadre, the Select List of 2004 was prepared against 12 vacancies.

And whereas in the eligibility list consisting of the names of 36 officers considered for preparation of the Select List of 2004, the name of Shri Abdul Majid Wani was not included as per the then seniority of Jammu and Kashmir Administrative Service (KAS) officers. The Select List was acted upon by the Government of India, DoP&T, vide Notification dated 09.02.2005.

And whereas, subsequently Shri Abdul Majid Wani challenged the seniority of State Civil Service in the Hon'ble High Court of Jammu and Kashmir at Srinagar by filing SWP No. 1366/2005. The Hon'ble High Court of Jammu and Kashmir, vide its order dated 11.03.2011 disposed of the SWP No. 1366/2005 with following observations/directions;

" For the reasons discussed above, the writ petition is allowed. The Government Order dated No. 219-Agri of 1988 dated 15.05.1988 and the Government Order Nos. 707-GAD dated 18.06.199 adn 862-GAD of 2001 dated 01.08.2001 to the extent these Government Orders relate to place given to the petitioner in the Seniority lists and his date of induction into Kashmir Administrative Service are quashed. The respondents 1 to 3 are directed by Writ of Mandamus to settle the seniority of petitioner, reckoning the date of placement of the petitioner in the grade of Rs. 1000-1560 as 25th June, 1982 and as a follow up there to determine his date of induction into Kashmir Administrative Service having due regard to the date of induction into Kashmir Administrative Service of his juniors included S/Sh. P.N. Ganjoo and Khalid Hussain and therefore, extend all benefits to the petitioner available in consequence of re-fixation of his seniority and determination of date of induction into Kashmir Administrative Service. The respondents 1 to 3 shall complete the exercise within eight weeks from the date of this judgment is served on the respondents so that the petitioner, who has been before the Court for last three decades, has the satisfaction of having got the grievances redressed, though after a long, avoidable and inordinate delay."



-contd-

And whereas, in compliance with the Order dated 11.03.2011 of the Hon'ble High Court, the State Government issued the Order dated 24.04.2018 treating the induction/appointment of Shri Abdul Majid Wani in KAS w.e.f 01.01.1997 and re-fixing his seniority in the KAS at S.No. 154-A instead of of S.No. 202-A. Consequently, he became senior in the KAS to an officer namely, Shri Bashir Ahmed Runiyal who was promoted to the IAS of Jammu & Kashmir Cadre vide notification dated 09.02.2005 issued on the basis of inclusion of his name at Sl.No. 4 in the Select List of 2004 prepared against 12 vacancies by the SCM held on 19.10.2004.

And whereas, the State Government, vide letter dated 14.12.2018, requested the Union Public Service Commission to consider the name Shri Abdul Majid Wani for promotion to the IAS from the Select List of 2004.

And whereas, the Union Public Service Commission decided to convene the Review SCM to consider the name of Shri Abdul Majid Wani for inclusion in the Select List of 2004 for promotion to the IAS of the Jammu and Kashmir Cadre, after noting the order dated 11.03.2011 of the Hon'ble High Court which directed to extend all benefits available to Shri Wani in consequence of re-fixation of his seniority in KAS.

And whereas, accordingly a Review Selection Committee Meeting was convened by UPSC on 10.05.2019 to review the Select List of 2004, by considering the case of Shri Abdul Majid Wani, in accordance with the revised seniority assigned to him by the State Government.

And whereas, the Review Selection Committee considered the name of Shri Abdul Majid Wani (Date of Birth :18.05.1955) for inclusion in the Select List of 2004. As per the information furnished by the State Government, consequent upon revision of the seniority in the State Civil Service, the name of Shri Abdul Majid Wani would figure at S.No. 3A below the name of Shri Pradeep Gupta (S.No. 3) and above the name of Shri B.A Runiyal (S.No. 4) in the eligibility list of Select List of 2004 considered by the SCM held on 19.10.2004. The Review Selection Committee examined the records of Shri Abdul Majid Wani upto the year 2002-2003 and on an overall assessment of his service records, he was assessed as " Very Good". On an overall assessment, the Review Selection Committee recommended that the name of Shri Abdul Majid Wani (Date of Birth 18.05.1955) be included at S.No. 3A below the name of Shri Pradeep Gupta (S.No. 3) and above the name of Shri B.A. Runiyal (S.No. 4) in the Select List of 2004 for promotion to the IAS of Jammu and Kashmir Cadre.


-contd-



And whereas, the recommendations of the Review Committee, have since been approved by the Union Public Service Commission on 16.10.2019

Now therefore, in pursuance of directions of Hon'ble High Court, Jammu and Kashmir contained in its order dated 11.03.2011 in SWP No. 1366/2005 and in exercise of the powers conferred by sub-rule (1) of Rule 8 of the India Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of Regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 and Rule 3 of the Indian Administrative Service (Probation) Rules, 1954, the President is pleased to notionally appoint Shri Abdul Majid Wani (Date of Birth 18.05.1955) to the Jammu and Kashmir Cadre of the Indian Administrative Service w.e.f. 09.02.2005 i.e. the date on which his immediate junior included in the Select List of 2004, was appointed to IAS. Shri Abdul Majid Wani is entitled for notional benefits of pay in IAS till his notional date of superannuation in IAS and thereafter benefits of pension accordingly.

(By order and in the name of the President)



(Pankaj Gangwar)

Under Secretary to the Government of India

Copy to:

1. The Chief Secretary, Government of Jammu and Kashmir, **Srinagar** . [Kind Attn. Shri Charandeep Singh, Additional Secretary (GAD)]. A copy of the above order may please be communicated to the officer concerned. The State Government is further requested to fix the notional pay of the officer in IAS and thereafter pass upon the consequential benefits of pension to him urgently.

2. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, **New Delhi** (Kind Attn. Sh. K.V. Gaur, Joint Secretary).

Internal Distribution: US(S.II)/US(S.III)/RO(CM)/NIC with request to upload the order on the website of DOPT / Guard File.