

HIGH COURT OF JAMMU & KASHMIR
AT SRINAGAR

Cont. No. : 342/2014 C/w

SWP No. : 109/2013

Date of Order: 28.11.2014

Abid Nazir v Mr. Mohammad Afzal and others.

Coram:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge

Appearing counsel:

For the Petitioner(s) : Mr. M. A. Qayoom, advocate.
For the Respondent(s) : Mr. Shuja-ul haq Tantray, GA for R1 & 3.
Mr. J. A. Kawoosa, Sr. AAG for R-2
Ms. Usma, adv. vice
Mr. Azhar-ul-Amin, adv. for R-4.

TRUE COPY

~~Joint Registrar
High Court of J&K Srinagar~~

Respondent no. 1, Mohammad Afzal Commissioner
Secretary to Government present in person.

In terms of order dated 21-11-2014, respondent no. 2, Secretary to Government, General Administrative Department, has filed an affidavit indicating therein the steps taken for ensuring filling up of the vacant positions in the Public Service Commission with reference to the Cabinet decision no. 177/13/2014 dated, 10-10-2014, where by seven incumbents have been approved as Chairman/ Members for the Jammu & Kashmir Public Service Commission and the panel was forwarded to the Governor for appointment of the Chairman/Members of the state Public Service Commission on 15-10-2014.

It is further submitted that the panel forwarded to the Governor has been received back for seeking some information/clarification in respect of the persons whose names have been approved by the Cabinet.

Steps taken by the Government for ensuring filling up of the position in Jammu & Kashmir Public Service Commission though appreciable, need to be expedited for making the Commission functional.

Respondent no. 1, has filed compliance report indicating the steps for implementation of the judgment passed on 29-01-2014, in SWP No. 109/2014, and CMP No. 165/2013, titled Abid Nazir, Vs. State and others. In the compliance report it has been submitted that due to floods the meeting of DPC could not be convened by the Public Service Commission during the month of September and October 2014, and it is only on 29-10-2014, the Public Service Commission issued meeting notice to consider the case of the petitioner on 11-11-2014.

It is further submitted that respondent no. 1, attended the commission but the other two members i. e. Principle Chief Conservator of Forests and representative from General Administrative Department were not available and accordingly the Chairman of DPC desired to hold the meeting on 13-11-2013.

It is submitted that respondent no. 1, again on 13-11-2014, attended the commission, however, the only member Shri, K. B Jandiyal, deferred the meeting, thus the case of the petitioner was not considered on the said date.

It is submitted that petitioner has been elevated against the post of Assistant Conservator of Forests (ACF) in his own pay and grade and post of Assistant Conservator of Forest has been reserved for the petitioner with effect from 01-05-2013, and now

TRUE COPY

Joint Secretary
Govt of J&K, Srinagar

only his services are required to be regularized with effect from 01-05-2013. Respondent no. 1, seeks some reasonable time to ensure regularization of Services of petitioner as (ACF) in compliance of the judgment of the Court from the date indicated in the compliance report.

Prima facie it appears that respondent no. 1 is in the process of implementation of the judgment which is evident from the records having refrence to the arrangement made by promoting the petitioner as Assistant Conservator of Forests and the post of Assistant Conservator of Forersts has been reserved from 01-05-2013, but the order of regularization awaits clearance from DPC which as per the statement of respondent no. 1, present in Court is mere formality, otherwise petitioner is eligible and suitable for such regularization.

In the given circumstances two months last and final opportunity is granted to respondents for compliance as above failing which all the respondents shall appear in person.

Registry to furnish a copy of this order to all appearing counsels for compliance.

List after two months.

Srinagar
28.11.2014

~~Sd/- Honble Judge.~~

~~nos. 44475~~

~~Date: 02/12/14~~

Copy of order forwarded to
Mr. Shua-ul-Haq (Cmt Advocate) for
information.

JOINT REGISTRAR
High Ct. of Jammu &
Kashmir, Srin.

[Handwritten signature]

J.R.
[Handwritten initials]

Abid Nazir
S/o Mohammad Nazir Shah,
R/o Sanat Nagar, Srinagar

...Petitioner

Vs

01. Mr. Mohammad Afzal, Commissioner/
Secretary to Government, Forest
Department, Civil Secretariat,
Jammu/Srinagar
02. Mr. M. A. Bukhari, Secretary to
Government, General Administration
Department, Srinagar/Jammu
03. Mr. Abay Kumar, Principal Chief
Conservator of Forests, J&K
Government, Srinagar/Jammu
04. Mr. Parvez Raina, Secretary, J&K PSC,
Srinagar

...Respondents/Contemnors

~~TRUE COPY~~

~~High Court of J&K, Srinagar~~