

GOVERNMENT OF JAMMU AND KASHMIR
Directorate of Horticulture Kashmir, Rajbagh Srinagar
Tele-fax: 0194-2311287-2311484

- Subject** : Appointment of Class-IV posts in the Department of Horticulture, Kashmir, District Cadre Bandipora.
- Reference** : i) Chief Horticulture Officer, Bandipora (Chairman District Level Committee, Bandipora's) letter No. CHO/Bpr/Adm/2022-23/840 dated.15-07-2022 & No.CHO/Bpr/Adm/2024/546 dated.26-07-2024.
ii) Administrative Department's letter No. Horti/3/2021-31349 dated. 09-07-2024.

Horticulture Order No: 368/E of 2024

Dated: 01- 08-2024

Whereas, in terms of Govt. Order No.735-GAD of 2008 dated 30-05-2008, the Chief Horticulture Officer, Bandipora (**Chairman, District Level Recruitment Committee**) issued **Advertisement Notice** No. CHO/Bpr/Appt-Class IV-01 of 2013 dated 25-06-2013 for recruitment of 16 number of Class-IV posts in District Bandipora;

Whereas, the District Level Recruitment Committee issued the shortlist of candidates for interview against these posts vide No. 2503-2510 dated 8-11-2013, strictly as per merit and the same was published through print media in local dailies on 11/11/2013;

Whereas, in the meantime, a writ petition titled "*Aijaz Ahmad Shiekh & Others V/S State & Others*" under SWP No. 2260 of 2013 was filed by some Casual Labourers of District Bandipora before the Hon'ble High Court of J&K Srinagar, seeking inter-alia, their consideration for appointment against the advertised posts. In this petition the Hon'ble High Court in an interim order dated 20.11.2013 passed following orders:

"Notice in CMP also. Meanwhile, subject to objections and till next date before the bench respondents shall adhere to Government Order No. 252-HE of 2012 dated.30-5-2012 for shortlisting of the candidates and final selection list shall not be issued".

Whereas, in light of the Hon'ble Court order, the interview of the shortlisted candidates could not be conducted. However, these posts were not referred to Jammu & Kashmir Services Selection Board in view of the provisions as laid down in SRO-578 of 2018 dated. 17-12-2018;

Whereas, the Hon'ble High Court, J&K Srinagar transferred the case SWP No. 2260/2013 to the Hon'ble Central Administrative Tribunal (CAT) vide Order dated 11/08/2020, where the same was admitted under TA No:-

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6522/2020. The Hon'ble Tribunal was pleased to dismiss the Writ petition vide Order dated 07.12.2020 following the withdrawal of case by the petitioners;

Whereas, consequent upon the withdrawal/dismissal of the writ petition, the recruitment against these advertisement posts was re-initiated from the point it was stopped and accordingly interview of the shortlisted candidates was conducted by **Chairman, District Level Recruitment Committee**, Bandipora from 07-03-2022 to 09-03-2022 and subsequently the **Provisional Selection List** was drawn and given wide publicity through print and electronic media.

Whereas, after due course, the District Level Recruitment Committee, Bandipora framed the final selection list of 16 candidates vide No. CHO/ BPR/ Apptt./ Class-IV/2022/839 dated 15.07.2022 . However, of the 16 candidates, the Chief Horticulture Officer, (**Chairman, District Level Recruitment Committee**), Bandipora vide No. CHO/ BPR/ 2022-23/840 dated 15.07.2022 **forwarded final selection list of only 15 candidates to the Directorate of Horticulture, Kashmir** with the recommendations to issue formal appointment orders in their favour. With regard to one left out candidate namely **Mr. Mansoor Ahmad Sheikh S/o Sonallah Sheikh R/O Ajar Bandipora, figuring at Serial No. 2 in the selection list (Watcher-cum-Chowkidar-Open Merit)**, it was given to understand by the Committee that the said candidate failed to produce the requisite documents before the Committee, therefore, could not be considered for appointment;

Whereas, on receipt of Selection List from the Chairman, District Level Recruitment Committee, the Directorate of Horticulture, Kashmir took up the matter with the Administrative Department vide office letter No. DHK/Adm/NG/677/8683-84 dated.13-08-2022 for issuance of necessary instructions, so as to proceed further in the matter;

Whereas, in response to Directorate's aforementioned communication, the Administrative Department vide communication No. Horti/3/2021-31349 dated.22-06-2023 instructed this Directorate to proceed ahead with the selection process as per the standing norms and rules in vogue;

Whereas, in the meanwhile, an O.A No. 115/2024 titled "**Suriya Akhter and others Vs Union Territory of J&K and others**" was filed by the selected candidates before Hon'ble Central Administrative Tribunal, Srinagar, seeking issuance of appointment orders in their favour. The said writ petition was disposed of by the Hon'ble Tribunal on 24.02.2024 with the directions to the Respondent-Department to complete the selection process of the applicants under rules and issue appointment orders accordingly;

Whereas, in view of the orders passed by the Hon'ble Tribunal, the matter was taken up with the Administrative Department vide No. No.DHK/Adm/NG/677/4183 dated 22-03-2024 for accord of necessary instructions;

Whereas, the Administrative Department after consulting the Government in the General Administration Department and Department of Law, Justice and Parliamentary Affairs vide their letter No.Horti/3/2021-31349 dated.09-07-2024 conveyed to issue the formal appointment orders in favour of selected candidates after fulfillment of all codal formalities and as per rules in

vogue. The crux of the U.O dated 21.06.2024 received from the General Administration Department is reflected hereunder:

"The instant issue remained under judicial scrutiny for a significant period and subsequently, the DLRC conducted interviews for the shortlisted candidates from 07-03-2022 to 09-03-2022, i.e., after AC decision date .29-01-2022. Further, the provisional selection list in respect of the candidates was then issued under No. CHO/Bpr/Apptt/Class-IV/2022/2133 on 17-03-2022.

Upon perusing AC decision No. 01/01/2022 dated 29-01-2022, concerning the withdrawal of posts from recruiting agencies, it is evident that only those posts referred to JKPSB or JKSSB before 31-10-2019, were included. The posts pending selection at the District Level Recruitment Committees were not included in the AC memo and were excluded from proposal and the subsequent decision.

Therefore, considering the specific content of the AC Memo which led to decision dated 29-01-2022, the posts in question do not fall within the scope of the AC decision dated 29-01-2022. Consequently, appointment orders for candidates recommended by the DLSC Bandipora can be issued by the Department".

Whereas, the Directorate of Horticulture, Kashmir through the medium of a notice issued vide No. DHK/Adm/NG/2024/7190311/9373-78 dated 12.07.2024, informed all the selected candidates to submit their relevant details for uploading the same on the **EVS Portal** for verification of character and antecedents.

Whereas, among the selected candidates, one of the candidate namely **Mr. Irshad Ahmad Rather S/O Bashir Ahmad R/o Gund Saderkoot (figuring at S. No. 7 of the selection list-Category RBA-Gardener)** failed to submit his relevant details to the Directorate of Horticulture, Kashmir. Further, with regard to the said candidate, the Chief Horticulture Officer, Bandipora vide communication No. CHO/Bpr/Adm/2024/546 dated 26.07.2024 informed that the concerned candidate, in writing, has expressed his unwillingness to take up the job, therefore, cannot be considered for formal appointment;

Whereas, out of the 14 candidates that were falling under the consideration zone for formal appointment and whose details were uploaded on EVS portal for verification of character and antecedents, this Department received the satisfactory verification report in respect of 11 candidates, so far;

Now, therefore, on the basis of recommendations received from the Chief Horticulture Officer (**Chairman District Level Recruitment Committee**), Bandipora & approval conveyed by the Administrative Department vide communication dated 09.07.2024, **sanction is hereby accorded to the temporary appointment of 11 candidates, against the Class-IV posts (Orderly/Gardener/Watcher-cum-Chowkidar) in the pay Level SL-1**

(Rs.14800-47100) in Horticulture Department, Kashmir, District Cadre Bandipora as per Annexure "A" attached to this Order, with immediate effect.

The appointees shall report to the office of Chief Horticulture Officer, Bandipora, within a period of twenty one (21) days from the date of issuance of this order and in case they fail to join within the stipulated time, they shall forego their right to appointment, which shall be deemed to have been cancelled ab-initio without any further notice.

The appointees shall be allowed to join only on the production of the following certificates (in original), to be verified by the Chief Horticulture Officer, Bandipora subsequently:-

- i. Academic/Qualification Certificates.
- ii. Matriculation/ Date of Birth Certificate.
- iii. Health Certificate from the concerned Chief Medical Officer of the District.
- iv. Domicile Certificate issued by the Competent Authority.
- v. Reserved category certificate, where applicable.

The appointment of the candidates shall further be subject to the following conditions:-

- 1) The appointees shall give an undertaking in the shape of an affidavit to the effect that if on verification their Qualification/Date of Birth Certificate are found fake/forged, their appointment in the Department of Horticulture, Kashmir shall be deemed to have been cancelled ab-initio and action as warranted under rules shall be initiated against them.
- 2) In case, the appointees have 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, they shall relinquish the proprietorship of their units/enterprises and also all stakes, if any, in such self-employment units/enterprises before joining the Government service. They shall be required to re-pay the entire loan liability in suitable EMIs to be worked out by the DDO concerned from their salary. The DDO concerned shall obtain an affidavit from the concerned appointees regarding both relinquishment of proprietorship and stakes, if any, in such self-employment units/enterprises and recovery to be made and also personally monitor its recovery.
- 3) The salary of the appointees shall not be drawn and disbursed to them unless the satisfactory report in respect of genuineness of Qualification Certificate/ Date of Birth Certificate is received from the concerned Authorities/Agencies.
- 4) The appointees shall be on probation for a period of two years.



- 5) *The appointment of candidates shall be governed by the "New Pension Scheme" as notified vide SRO-400 of 2009 dated 24-12-2009.*
- 6) *The inter-se-seniority of the appointees shall be drawn in accordance with the merit secured by them in selection list prepared by the Chairman, District Level Recruitment Committee (Chief Horticulture Officer, Bandipora).*

The appointment of the above candidates shall be subject to the outcome of writ petition(s), if any, pending before any Competent Court(s) of law.

Sd/-
(Z. A. Bhat)
DIRECTOR

No: DHK/Adm/NG/2024/CC.No. 7190311

Dated: 01-08-2024

Copy to the:-

1. Principal Secretary to the Government, Agriculture Production Department, Civil Secretariat, J&K, for favour of information. This is in-reference to their above referred to communication.
2. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Srinagar for favour of information.
3. Deputy Commissioner, Bandipora for information.
4. Chief Horticulture Officer, Bandipora for information and necessary action. This in in-reference to his above referred communications. The relevant documents of the appointed candidates are enclosed.
5. Accounts Officer, Directorate of Horticulture, Kashmir for information and necessary action.
6. Horticulture Information and Publication Officer, Srinagar, for information with the request to publicize the order by circulation in at least two leading newspapers of Kashmir Division
7. I/C Website, Direction Office for uploading the order on the Departmental website.
8. Litigation Section, Directorate of Horticulture, Kashmir for information.
9. Concerned appointees for information
10. Horticulture order file for record.


(Kamaljeet Singh Sodhi)
Deputy Director (c)

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 Directorate of Horticulture Kashmir, Rajbagh Srinagar
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Annexure "A" to Horticulture Order No. 368 /E of 2024 dated. 01-08-2024

S. No.	Name of the candidate	Parentage	Address	Category	Post against which appointed
01.	Suriya Akhtar	Ghulam Mohammad Dar	Ayathmulla	OM	Gardener
02.	Nasir-ud-din Shaban	Mohammad Shaban Dar	Asham	OM	Gardener
03.	Aarifa Rashid	Abdul Rashid Rather	Asham	OM	Gardener
04.	Tanveer Hassan	Gh Hassan Khan	Asham	OM	Gardener
05.	Ishfaq Ahmad Wagay	Ab. Khaliq Wagay	Kasumbagh, Hakabara	RBA	Gardener
06.	Hashim Fareed Lone	Fareed Ahmad Lone	Dawar, Gurez	ST	Gardener
07.	Suhail Gulzar	Gulzar Ahmad Mir	Bandipora	OM	Watcher-Cum-Chowkidar
08.	Tawseef Ahmad Parray	Nazir Ahmad Parray	Gund, Saderkote	RBA	Watcher-Cum-Chowkidar
09.	Jatinder Kumar	Mohan Lal	Baba Farid Nagar, Sehora Bishnah, Jammu	SC	Watcher-Cum-Chowkidar
10.	Javaid Ahmad Lone	Ab. Rahim Lone	Kilshay, Tulail	ST	Watcher-Cum-Chowkidar
11.	Dilshada Bano	Abdul Khaliq Bhat	Watapora, Bandipora	OM	Orderly


 (Kamaljeet Singh Sodhi)
 Deputy Director (c)