

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
(Office of the Registrar General at Srinagar)

- Subject:**
1. **Joint Representation dated 12.12.2017 of Sh. Amjad Ahmad Lone and Sh. Abdul Qayoom Lone, seeking their placement at appropriate place in the cadre of Private Secretaries.**
 2. **Representation, dated 17.05.2018 of Sh. Amjad Ahmad Lone, Private Secretary for seeking retrospective effect of his promotion i.e., w.e.f. 28.07.2008 instead of 24.11.2008 made vide High Court order No. 351 dated 29.09.2016.**

ORDER

No: 1002 of 2021/RG/NG

Dated: 21.10.2021

Whereas, Sh. Amjad Ahmad Lone and Sh. Abdul Qayoom Lone, Private Secretaries, had made a joint representation dated 12.12.2017 seeking their placement in the seniority at appropriate place in the cadre of Private Secretaries.

Whereas, Sh. Amjad Ahmad Lone, Private Secretary, had made a separate representation dated 17.05.2018 seeking regularization of his services as Private Secretary, made vide High Court order No. 351 dated 29.06.2016, w.e.f. 28.07.2008 i.e. from the date his juniors were regularized as Private Secretaries.

Whereas, both the aforesaid representations, by orders of Hon'ble the Chief Justice, were placed before the Hon'ble Committee for Appointment and Promotion of the Officers/Officials of the High Court Staff for consideration and making appropriate recommendations.

Whereas, both the aforesaid representations were considered by the Hon'ble Committee on 20.03.2020. In the minutes of the meeting, the Chairman of the Hon'ble Committee was pleased to recommend that the representation dated 12.12.2017 of Sh. Amjad Ahmad Lone be accepted and in consequence thereof his services as Private Secretary, ordered vide High Court order No. 351 dated 29.06.2016, be made effective from 28.07.2008 instead of 24.11.2008. The Hon'ble Chairman was further pleased to recommend that the joint representation of Sh. Amjad Ahmad Lone and Abdul Qayoom Lone, Private Secretaries, for their seniority at the appropriate place, be accepted and in consequence thereof they be shown senior to Sr. Bir Bahadur Singh in the seniority list of Private Secretaries in the order their names had appeared in the appointment order as Sr. Scale Stenographers and had also recommended the promotion of Sh. Amjad Ahmad Lone, Private Secretary, to the post of Secretary (Entry Level) contemplated to become available in the Pay Level-11 (67700-208700). However, the other two Hon'ble Members of the Committee, by a separate note dated 21.03.2020, were pleased to recommend that the

representation of Sh. Amjad Ahmad Lone, Private Secretary, claiming seniority over and above Sh. Bir Bahadur Singh, be deferred for the reason that before taking a decision on the representation, Sh. Bir Bahadur Singh deserves to be heard in person and the promotion of Sh. Amjad Ahmad Lone in relaxation of qualification is a matter raised by the under-graduate employees of the High Court in a Contempt Petition (Civil) No. 392-95/2010 before the Hon'ble Supreme Court and until the matter is decided by the Hon'ble Supreme Court, it may not be proper to accord further promotion to Sh. Amjad Ahmad Lone.

Whereas, consequent upon the aforesaid separate note of the two Hon'ble Member of the Committee, the Hon'ble Chairman of the Committee, vide his note dated 30.03.2020, was pleased to agree with the aforesaid observations of the Hon'ble Members of the Committee and was pleased to recommend that his recommendations on the aforesaid two representations and regarding promotion of Sh. Amjad Ahmad Lone be not given the effect.

Whereas, after the matter pending before the Hon'ble Supreme Court in appeal No. 5189-5192 was disposed of by the Hon'ble Supreme Court vide judgment dated 18.01.2021, the matter was again considered by the Hon'ble Committee in its meeting held on 02.03.2021. The Hon'ble Committee, after observing that the contempt petition has been closed by the Hon'ble Supreme Court, was pleased to resolve that the matter be proceeded further and Sh. Bir Bahadur Singh, Private Secretary, be heard in person.

Whereas, pursuant to the aforesaid resolution of the Hon'ble Committee, the Registrar Judicial, Jammu wing of the High Court, vide this office communication No. 4422/RG/GS dated 20.03.2021, was requested to inform Sh. Bir Bahadur Singh, Private Secretary, to present himself for personal hearing before the Hon'ble Committee on 26.03.2021 at 4:00 PM to put forth his point of view.

Whereas, on 26th March, 2021, the Hon'ble Committee was pleased to resolve that it is necessary to allow Sh. Bir Bahadur Singh, Private Secretary, to file his objections to the representation of Sh. Amjad Ahmad Lone claiming of being senior to Sh. Bir Bahadur Singh.

Whereas, pursuant to the aforesaid resolution of the Hon'ble Committee, on 12.04.2021 Sh. Bir Bahadur Singh filed his detailed objections to the representation of Sh. Amjad Ahmad Lone and Sh. Abdul Qayoom Lone seeking their placement at appropriate place in the seniority of Private Secretaries.

Whereas, the matter alongwith a detailed office note, objections of Sh. Bir Bahadur Singh and relevant record, was placed before the Hon'ble Committee for consideration.

Whereas, the Hon'ble Committee considered the matter particularly the objections of Sh. Bir Bahadur Singh and in the detailed minutes of the meeting, the Hon'ble Committee in para-13, 14 and 15 has been pleased to recommend as under:

"13. In view of the above, Registrar General on the basis of record has found that S/Shri Amjad Ahmad Lone and Abdul Qayoom Lone were appointed on the post of Senior Scale Stenographer vide High Court order No. 406 dated 17-10-2006, Shri Bir Bahadur Singh was regularized on the post with effect from 27-03-2007. Obviously, thus in the rank of Senior Scale Stenographers S/Shri Amjad Ahmad Lone and Abdul Qayoom Lone were senior to Shri Bir Bahadur Singh. This fact clinches the issue and goes to the root of the grievance of the two officials. Rest stands all delineated and discussed in the note dated 20-03-2020 of the erstwhile Committee from para 6 to 18 therein, quoted under para 5 above and need not be narrated and discussed denovo herein. Thus the two observations made by the Hon'ble Members of the Committee stands satisfied and Shri Bir Bahadur Singh's objections stands duly considered and found without any merit.

14. It is also to be borne in mind that the appointment of Shri Amjad Ahmad Lone as Senior Scale Stenographer pursuant to the departmental test conducted in 2006, vide order No. 406 dated 17-10-2006, in relaxation of qualification bar has never been under challenge before any forum or Court, whatsoever. In fact, his writ petition, SWP No. 1997/2012 was allowed by judgment dated 26-09-2012, holding that once relaxation in qualification is given for appointment on a post, there is no necessity for again having such relaxation while considering such employee for further promotion to a higher post. The judgment has attained finality and has, in fact, been implemented previously. The claim of the official is thus covered and governed by the aforesaid judgment of the Court passed in his writ petition.

15. In light of the above, the discussions and decisions of the Committee on the representation of S/Shri Amjad Ahmad Lone and Abdul Qayoom Lone made and recorded from para 6 to 18 of Note dated 20-03-2020 and the resolution and recommendations made therein at item No. 12 vis-a-vis filling of one post of Secretary (Entry Level) ensuing then insofar as the same remained pending to satisfy the two observations made by the two Hon'ble Members of the Committee together with the summery of recommendations made therein at para 39 [A] (v) & (vi) and 39 [B] (x) are, restored, reiterated, adopted and recommended to be given effect to with grant of whatever benefits may accrue to him under rules."

Whereas, the aforesaid recommendations of the Hon'ble Committee were placed before Hon'ble the Chief Justice and His Lordship has been pleased to approve the recommendations dated 20.09.2021 of the Hon'ble Committee.

Therefore, on the recommendations of the Hon'ble Committee, approved by Hon'ble the Chief Justice, the joint representation dated 12.12.2017 of Sh. Amjad Ahmad Lone and Sh. Abdul Qayoom Lone, claiming seniority over and above Sh. Bir Bahadur Singh in the cadre of Private Secretaries and also the representation dated 17.05.2018 of Sh. Amjad Ahmad Lone for regularization of his services as Private Secretary w.e.f. 28.07.2008, are accepted and consequent thereof, it is hereby ordered as follows:

- a) The regularization of services of Sh. Amjad Ahmad Lone as Private Secretary, made vide High Court order No 351 dated 29.06.2016, is given effect from 28.07.2008 instead of 24.11.2008.
- b) Sh. Amjad Lone and Sh. Abdul Qayoom Lone, Private Secretaries, are placed at Sr. No. 1 and 2 respectively in the seniority of Private Secretaries over Sh. Bir Bahadur Singh, who shall be placed at Sr. No. 3 in such seniority.
- c) Consequent upon the above, Sh. Amjad Ahmad Lone, Private Secretary, placed at Sr. No.1 in the seniority of Private Secretaries, is temporarily promoted as Secretary (Entry Level) in the Pay Level-11 (67700-208700) notionally w.e.f. 11.04.2020 i.e., when the post of Secretary (Entry Level) had become available due to the promotion of Mrs. Sarveeda Nissar as Joint Registrar-cum-Secretary on 10.04.2020 and monetarily from the date of order.

By Order


(Jawad Ahmed)
Registrar General

No: 45750-62/RG/NG

Dated: 21.10.2021

Copy of the above forwarded to:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K, Srinagar.
2. Secretary to Hon'ble Mr. Justice _____
..... for information of their Lordships.
3. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar.
4. Registrar Rules, High Court of J&K and Ladakh, Srinagar
5. Registrar Computers, High Court of J&K and Ladakh, Srinagar
6. Director, J&K Judicial Academy, Srinagar.
7. Registrar Judicial, High Court of J&K, Srinagar/Jammu.
.....for information.
8. Director Finance, High Court Main wing, Srinagar.
9. Central Project Coordinator, e-Courts, Srinagar, for uploading the same on the official website of the High Court.
10. In-Charge Librarian, High Court of J&K, Jammu/Srinagar for information and keeping the record of the same.
11. Shri Amjad Ahmad Lone, Private Secretary, High Court wing Srinagar for information and compliance.
12. Office file.


Registrar General