

Government of Jammu and Kashmir
General Administration Department

#

Subject : Report of High Power Committee in the case titled Suraj Prakash Gupta Versus State and Ors. -- Streamlining the cadre management of Gazetted and Non-Gazetted Services.

Reference : i. Cabinet decision No. 186/15 dated 27.12.2001.
ii. Government Order No. 602-GAD of 2000 dated 26.05.2000.

Government Order No.107-GAD of 2002
Dated: 16.01.2002

It is hereby ordered that the guidelines contained in Annexure to this order shall be strictly followed for proper cadre management of all the Gazetted and Non-Gazetted Services.

By order of the Government of Jammu and Kashmir.

Sd/-

(R.K.Jerath)

Commr./ Secretary to Government,
General Administration Department.

NO:GAD/SS/62/2000

Dated:16.01.2002

Copy to the :-

1. All Financial Commissioners.
2. All Concerned Officers.
3. All Principal Secretaries and Secretaries to Government.
4. Principal Secretary to Chief Minister/Principal Secretary to H.E. the Governor.
5. All Commissioners and Secretaries to Government.
6. Resident Commissioner, Jammu and Kashmir Government, New Delhi.
7. Divisional Commissioner, Jammu/Kashmir.
8. All Deputy Commissioners/All Heads of the Departments.
9. Director of Information.
10. Director of Estates.
11. Deputy Secretary to Government, General Administration Department (Admn.).
12. General Manager Government Press, Jammu.
13. Deputy Secretary to Chief Secretary.
14. All Private Secretaries to Hon'ble Cabinet Ministers/Ministers of State.
15. Principal Pvt. Secretary to Commr./Secy., GAD.
16. Government Order file/Stock file.

Jy 16-01-2002
Under Secretary to Government.

Annexure to Government Order No. 107-GAD of 2002
Dated : 16.01.2002

- (1) All the departments should maintain complete record about the cadre strength of each category of posts in different Services administered by them as also of the number of in-position officers from different sources of appointment in each category. This would enable the department to ensure that while working out vacancies in any category of posts for each quota, the sources of appointment of retirees are taken into account. The quotas for various sources of appointment are usually prescribed under rules as percentage of the total strength of posts available in that category and not of the vacancies that may be currently available. Therefore, it is necessary that each department carefully monitors the number of in-position officers from different sources of appointment in each category of posts where two or more sources of appointment have been prescribed.
- (2) No quota be diverted from one source of appointment to another and wherever it has been diverted, the same should be restored to such source in future.
- (3) It must be also ensured that no promotee(s) is put in the direct recruitment quota, temporarily or on stop-gap or adhoc basis when such direct recruitment posts have not been referred to the PSC/SSB.
- (4) In order to ensure that inordinate delays do not take place in making appointments through direct recruitment, the departments should ensure that the number of vacancies for direct recruitment are carefully worked out for each category of posts for which direct recruitment is provided, at the beginning of the calendar year. These vacancies should be referred to the Public Service Commission or SSB as the case may be as expeditiously as possible.
- (5) Each department should nominate a senior officer to be held responsible for ensuring the timely writing of the APRs and their maintenance.
- (6) Wherever recruitment rules have not yet been finalized, the departments shall ensure their finalization within six months.
- (7) In cases where promotees have not been regularized for years, the departments should ensure that DPC is convened immediately for their clearance. They should also ensure that conditions responsible for such delays do not occur in future. In such cases the promotion should be made with retrospective effect from the date of occurrence of vacancy or date of acquiring eligibility whichever is later.

[Handwritten Signature]
16-01-2002

Under Secretary to Government.



Government of Jammu and Kashmir
General Administration Department
(Services) Civil Secretariat,
Srinagar

Government Order No: 743-GAD of 2007

Dated : 28 -06-2007

Subject:- Report of High Power Committee in the case titled Suraj Prakash Gupta Vs State & Others – Streamlining the cadre management of Gazetted and Non-Gazetted Services.

In compliance with the directions of the Hon'ble Supreme Court of India passed in the above titled case, guidelines were notified by the Government vide Government Order No. 107-GAD of 2002 dated 16.1.2002 in order to streamline the cadre management of the Gazetted as well as Non-Gazetted Services in the State. Para '7' of these guidelines provided as under:-

“In cases, where promotees have not been regularized for years, the departments should ensure that DPC is convened immediately for their clearance. They should also ensure that conditions responsible for such delays do not occur in future. In such cases, the promotion should be made with retrospective effect from the date of occurrence of vacancy or date of acquiring eligibility whichever is later”.

Doubts have been expressed regarding the date, from which a Government employee should be promoted/regularized against the post held by him. The matter has been examined and as per rules, a Government employee is entitled to claim consideration for promotion subject to his eligibility in accordance with the relevant recruitment rules and availability of the post. He can claim regularization/clearance of the DPC from the date, he has been assigned the charge of the said post and subject to his eligibility and existence of vacancy.

In order to clarify the position, para 7 of the guidelines is recast as under:-

“Promotion of a Government employee shall take effect from the date, he has been formally put in charge of the higher post subject to his eligibility in accordance with the recruitment rules and availability of the vacancy. His clearance/ regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, which ever is later. In all other

28.6.2007

cases, the promotion of a Government employee to the next higher post shall take effect from the date of issuance of the order”.

By order of the Government of Jammu and Kashmir.

Sd/-

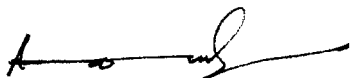
(Khurshid A. Ganai) IAS
Principal Secretary to Government
General Administration Department

No:GAD(Ser)Gen/118 /2007

Dated: 28 - 06 - 2007

Copy to the:-

1. All Financial Commissioners
2. Director General of Police J&K, Srinagar
3. Principal Resident Commissioner, J&K Government, 5-Prithvi Raj Road, New Delhi
4. All Principal Secretaries and Secretaries to Government.
5. Director General, IMPA, Srinagar
6. Principal Secretary to Hon'ble Chief Minister.
7. Chief Executive Officer, Economic Reconstruction Agency.
8. Chairman, Bureau of Public Enterprises.
9. Principal Secretary to H.E the Governor.
10. Chairman, J&K Special Tribunal
11. All Commissioners/Secretaries to Government
12. Commissioner/Secretary to Government, Law Department.
13. Divisional Commissioner, Jammu/Kashmir
14. All Heads of the Departments
15. Director, Estates
16. Director, Information
17. Director, Archives, Archaeology and Museums, Srinagar
18. All Deputy Commissioners
19. Secretary, J&K Legislative Assembly/Council.
20. Secretary, J&K Public Service Commission
21. Secretary, Services Selection Board.
22. Secretary, J&K Academy of Art, Culture and Languages.
23. Additional Secretary to Government, General Administration Department (Administration).
24. General Manager, Government Press, Srinagar/Jammu
25. Private Secretaries to all Hon'ble Cabinet Ministers/ Hon'ble Ministers of State
26. Principal Private Secretary to Chief Secretary.
27. Private Secretary to Principal Secretary to Government, General Administration Department .
28. Incharge Website, GAD
29. Government Order file/Stock file


(Arshad Ayub) 28.6.2007

Under Secretary to Government