

File No.FST-Lit/11/2022-02-Forest Department

**Government of Jammu & Kashmir
Forest, Ecology & Environment Department
Civil Secretariat, J&K**

Subject:- Engagement of left over unemployed Forestry Graduates/Post Graduates/DDR trained as Rehbar-e-Janglaat.

GOVERNMENT ORDER NO: 27 - JK (FST) OF 2022

DATED: 12 .03. 2022

Whereas, pursuance to the Cabinet Decision No. 96/6/2017 dated 16.06.2017, the Department vide Government Order No.155-FST of 2017 dated 20.06.2017, formulated a policy for engagement of 534 registered un-employed Forestry Graduates/Post Graduates/DDR trained as Rehbar-e-Janglat, who had obtained such degrees from the recognized institutes before the year 2014, have been proposed to be considered: and

Whereas, for this purpose the selection committees comprising of following for each division was constituted to assess the candidates on the basis of provisions spelt out in the scheme and make recommendations to competent authority for their engagement/appointment:-

1.	Chief Conservator of Forests, Jammu/Kashmir	Chairman
2.	Joint Director, Forest Protection Force, Jammu/Kashmir	Member
3.	Regional Wildlife Warden, Jammu/Kashmir	Member
4.	Conservator of Forests, Circle Srinagar/Jammu East	Member

Whereas; as reported by the Committee constituted for the engagement of registered candidates of Forestry Graduates/Post Graduates/DDR trained; the following registered candidates; in whose favour engagement orders have been issued by the respective Chief Conservator of Forests (Chairman of the Committee); and

S.No.	Region	Registered Candidates	No. of registered candidates engaged	No. of registered candidates not engaged
1.	Jammu	202	182	20
2.	Kashmir	332	281	51
	Total	534	463	71

Whereas, 37 un-registered graduate and post-graduate Forestry Candidates, who have acquired the degrees after the year 2014, challenged the said policy before the Hon'ble High Court through the medium of following writ petitions, seeking directions to fill up the vacancies of Forest Guards by making proper recruitment through advertisements & consider all eligible candidates including the petitioners:-

1. **SWP No. 1272/17 titled Zaid Bashir Wani & Ors V/s State & Ors.**
2. **SWP No. 1713/2017 titled Nadeem Ahmad Hafiz V/s State & Ors.**

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The Hon'ble High Court, Srinagar on 12.07.2018 disposed of SWP No. 1272/2017 c/w SWP No. 1713/2017 and was pleased to pass the following directions:-

"The writ petitions are accordingly disposed of in the following manner:

Respondent No.3 shall, in tune with the recommendation of respondent No.4, accord approval to the engagement of petitioners as Rehbar-e-Janglaat against the post reserved by this Court in terms of order dated 26.07.2017.

The consideration shall be made and decision taken within a period of one month from the date certified copy of the order is served upon respondent No. 4.

On receipt of approval immediately on expiry of one month respondent No.4, Pr. Chief Conservator of Forests shall issue the orders of engagement in favour of petitioners as Rehbar-e-Janglaat and shall allow them to continue as such in tune with the policy of the Government.

Both the writ petitions are accordingly disposed of on the above terms alongwith connected MPs."

SWP No. 1675/2-17 titled Fayaz Ahmad Peer & Ors. V/s State & Ors.

The Hon'ble High Court, Srinagar on 22.08.2017 disposed of SWP No. 1675/2017 with the following directions:-

"This petition is therefore, disposed of by directing respondents to consider the case of petitioners for their selection as Rehbar-e-Janglaat, strictly as per terms and conditions of the policy promulgated vide Government order No. 155-FST of 2017 dated 20th June 2017, and if, upon consideration and evaluation of merit of petitioner, petitioner come up higher in the merit they would be accordingly appointed with these observations, writ petition is disposed of".

SWP No. 1658/2017 titled Sheikh Afzal Khursheed V/s State & Ors.

The Hon'ble High Court, Srinagar on 19.08.2017 in SWP No. 1658/2017 has passed the following directions:-

"Notice for objections, meanwhile respondents shall also be admitted to selection process for the post of Rehbar-e-Janglaat at his own risk and responsibility."

Whereas, the office of the Pr. Chief Conservator of Forests, J&K vide communication No.PCCF/LO/54/2017/2354-55 dated 18.10.2017 has sought approval for issuing the appointment orders in respect of the petitioners on the grounds that the petitioners have made the grade and are required to be given the same treatment as has been given to the candidates already registered; and

Whereas, after examining the matter in terms of aforementioned communication vis-à-vis Hon'ble High Court directions, the Department vide U.O dated 01.01.2019 took up the matter with the Department of Law, Justice & PA for their advice, who returned the file vide its U.O No. LD(Opn)2018/87-Fst dated 17.01.2019 with the following advice:-

"Department is advised to clearly provide the list of cases which have been filed on the present subject matter, orders issued in these petitions and present status of these cases. Department has to take a decision on the basis of these orders and thereafter, legal issues are to be formulated for opinion of this Department. Unless department is not sure about legal issues, tendering of any opinion will further complicate the issues."

Whereas, the case in its entirety, was again examined in the Department and it was decided to place the case before the State Administrative Council for seeking one time relaxation to accommodate the left out candidates based on court directions and specific justifications in each category. Accordingly, vide U.O. No.FST/NG/61/2007-I dated 17.10.2019, memorandum was submitted to the General Administration Department for submission the same to the State Administrative Council. The General Administration Department returned the departmental file vide its U.O.No.GDC-243/2019 dated 17-01-2020 with the following advice:-

"Returned: The Department is advised to clarify the following in the first instance:

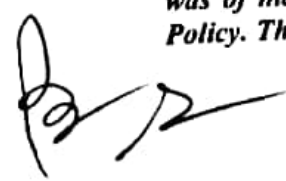
Whether the Policy on engagement of Rehbar-i-Janglaat formulated pursuant to the Cabinet Decision No.96/6/2017 dated 16.08.2017 has ceased to operate.

Desirability of considering such candidates only who have been authorized to participate in the selection process either under court order or by the department and have made it to the grade.

The candidates who have not made it to the grade cannot be considered. There is a need for segregation of eligible and ineligible cases to ensure consideration of only eligible ones.

The availability of a vacant position of Rehbar-i-Janglaat cannot be a cogent ground for seeking appointment of such candidates who did not participate in the selection process and are being proposed for appointment in relaxation of the policy. This course will not only amount to illegal appointments but will also breed inefficiency in the Forest Department.

Institute an enquiry to pinpoint the officer (s) responsible for delaying in filing of appeal in the court orders or in cases where the direction was of mere consideration in accordance with the Rehbar-i-Janglaat Policy. This should be done by 20.01.2020.

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Accordingly, the department is advised to submit a revised memorandum for its placement before the Administrative Council for consideration/approval."

Whereas, the case was examine in light of the aforesaid observations and it was found that petitioners have no locus standi to claim the benefits of policy formulated vide Government Order No.155-FST of 2017 dated 20.06.2017, as the policy has ceased to exist, automatically after the engagement of the last registered candidate; and

Whereas, it was also observed that they do not qualify within the prescribed covenants & conditions of the policy. The availability of a vacant position of Rehbar-e-Janglat cannot be a cogent ground for seeking appointment of such candidates, who did not participate in the registration process and, as such, cannot be proposed for appointment in relaxation of the policy. There is no genuine claim that resides in the pleadings of the petitioners.

Now, therefore, in compliance to the directions dated 12.07.2018 in SWP No.1272/2017 c/w SWP No.1713/2017, 22.08.2018 in SWP No.1675/2017 and 31.08.2020 in SWP No.1658/2017 passed by the Hon'ble High Court, Srinagar, the case of the petitioners has been examined/considered in the department and found devoid of merit and hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

(Sanjeev Verma)IAS

Commissioner/Secretary to Government,
Forest, Ecology & Environment Department

No.FST/Lit/11/2022-02-Forest Department

Dated:- 12 .03.2022

Copy to the:-

1. Pr. Chief Conservator of Forests, J&K, Jammu.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Director, Archives, Archeology & Museum, J&K, Jammu.
4. Mrs. Aasifa Padroo, Ld. Additional Advocate General, J&K High Court, Srinagar.
5. PS to Commissioner/Secretary, Department of Forest, Environment and Ecology.
6. Petitioners (All).
7. I/c Website, Department of Forest, Environment and Ecology.
8. Government Order file (w.2.s.cs).
9. Stock file.

(Vivek Phonsa)JKAS

Deputy Secretary to the Government