



GOVERNMENT OF JAMMU AND KASHMIR
FOREST, ECOLOGY & ENVIRONMENT DEPARTMENT
Civil Secretariat, J&K , Jammu /Srinagar

Subject: OA No. 281/2024, MA No. 319/2024 titled Tahir Zullah Mir & Ors Vs UT of J&K through Commissioner/Secretary to the Government, Forest, Ecology & Environment Department.

Government Order No. 284- JK (FST) of 2024

Dated: - 05.12.2024

Whereas, the applicants had approached the Hon'ble Tribunal through the medium of an Original Application, which came to be numbered as O.A. No. 281/2024 titled Tahir Zullah Mir and others Vs. Union Territory of J&K and others, seeking therein following reliefs: -

"1. Allow this Original Application and issue directions upon the respondents for fixing the seniority of applicants as per their entitlement and accordingly seeking inclusion of the applicants name in the seniority list at their appropriate place.

2. By passing the appropriate orders, whereby respondents may be directed to re-frame the seniority list by restoring the seniority of the applicants over and above some recently promoted employees in the said re-framed seniority list.

3. By passing the appropriate orders, whereby respondents may be directed to promote the applicants forthwith in light of the communication dated 25.10.2013 issued by the respondent No.2 and also in light of the Hon'ble High Court orders (i.e., Order/judgment dated 02.09.2014 passed in SWP No.1486/2013 and judgment dated 07.09.2022 passed in LPA NO.201/2018 c/w LPA No.124/2018, LPA NO.125/2018).

4. Pass any order or direction which this Hon'ble Tribunal may deem fit and proper also be issued in favour of the applicants and against the respondents"

Whereas, the afore-said O.A came to be disposed of by the Hon'ble Tribunal vide its order dated 06.05.2024, relevant part whereof reads as under:-

"...6. The OA is accordingly disposed of with direction to the respondents that the representation filed by the applicants (Annexure IX) along with the contents

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of the instant OA, be treated as a representation filed by the applicants and the respondents will consider the averments made therein and pass speaking order in consonance with the rules of natural justice. It is expected that the speaking order would be passed with due diligence within a period of five weeks from the date of receipt of a copy of this order.

7. *OA stands disposed of. No Order as to costs.*

Whereas, the promotion quota of 20% of Government sponsored in Service DDR Foresters as provided in the Recruitment Rules has become redundant in view of the fact that the Government of India, Ministry of Environment and Forests issued Revised Entrance and Training Rules for Forest Range Officer in the year 2004. According to these rules only those Range Officers Grade-I who are appointed through Public Service Commission are eligible for undergoing Rangers Training Course in the Rangers College managed by the DFE, Dehradun. Thus there is no provision for the inservice Foresters to go for DDR Training Course;

Whereas, prior to the Rules of 2004, there was a provision in the Rules of 1992, that KFC Foresters having five years' experience were eligible for undergoing DDR Training and accordingly the KFC Training course and their promotion and adjustment was being made against the 20% quota reserved under rules for the post of Range Officer Grade-I. In view of the Revised Entrance and Training Rules, 2004, KFC in service Foresters are no more being deputed for DDR Training, therefore, 20% quota reserved for KFC in-service Foresters has become redundant;

Whereas, the petitioners had also filed a writ petition bearing SWP No. 1486/2013 titled Kuldeep Raj and Others Vs State of J&K and others praying for the following reliefs:-

- i. Allow this writ petition of the petitioners.*
- ii. Issue a writ in the nature of mandamus, commanding the respondents to strictly abide by and implement the provisions of J&K Forest (Gazetted) Service Recruitment Rules, 1970 read with SRO 106 of 1992 dated 30th April, 1992 to the extent of allowing due quota of 20% to the DDR trained Forester as envisaged under the aforementioned recruitment rules of service.*
- iii. Issue a further writ of mandamus commanding the respondents to consider the petitioners for the purposes of promotion to the next higher post of Range Officer Grade-I in view of their more than requisite number of years of experience as Forester and also DDR Trained against the quota of 20% meant for DDR trained Foresters.*
- iv. Issue a writ in the nature of prohibition; restraining the respondents from diverting the quota of 20% meant for DDR trained Foresters in terms of recruitment rules of the service to the other category of Foresters for the*

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purposes of effecting promotion to Range Officer Grade-I, II either on substantive basis or on Incharge basis.

- v. *Any other writ, order commuted or directions which this Hon'ble Court may deem just and proper in the given facts and circumstances of the case may also be passed in favour of petitioners and against the petitioners and against the respondents.*

Whereas, The Hon'ble Court vide order dated 11.07.2013 passed in the writ petition (supra) directed as under:-

"Meanwhile, the respondents, shall strictly implement the provisions of J&K Forest (Gazetted) Service Recruitment Rules, 1970 read with SRO 106 of 1992 dated 30th April, 1992 to the extent of allowing quota of 20% to DDR trained Forester as envisaged under the aforementioned recruitment rules. This is, however, subject to objections from other side."

Whereas, in compliance with the Hon'ble High Court's order dated 02.09.2014 the department issued consideration order dated 17.12.2014 and in pursuance thereof, the Forest department in terms of Forest Order No. 45 of 2015 dated 07.03.2015 issued Tentative Seniority List of DDR Foresters wherein the applicants were figuring from Sl. No. 38 to 115;

Whereas, aggrieved of the above action, some Foresters who had undergone DDR training sponsored by the government filed a writ petition bearing SWP No. 1025/2015 before the Hon'ble High Court against the applicants challenging, therein, the tentative seniority list/circular issued in the year 2013, communication dated 25.10.2013, Forest Order No. 45 of 2015 dated 07.03.2015 and communication dated 17.12.2014 to the extent of applicants. The said writ petition was allowed by the Hon'ble High Court vide its order dated 21.07.2018;

Whereas, the applicants assailed the above judgment dated 21.07.2018 through the medium of LPA which came to be numbered as LPA No. 201/2018 c/w LPA No. 124/2018, LPA No. 125/2018 (Ashok Kumar Sarngal and others vs. State of J&K) & Ors.) before the Division Bench of the Hon'ble High Court and the Hon'ble Court allowed the said appeal vide its order dated 07.09.2022 and set aside the impugned judgment and order dated 21.07.2018;

Whereas, the case of the Government sponsored DDR Foresters in writ petition bearing SWP No. 1025/2015 before the Hon'ble High Court is sub-judice and also a Special Leave Petition in this matter is pending before Hon'ble Supreme Court;

Whereas, the 20% quota meant for DDR trained Foresters is neither being diverted nor utilized for their promotions in view of the matter being sub-judice and the

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Revised Rules of 2004 issued by Government of India, Ministry of Environment, Forest and Climate Change; and

Whereas, none of the petitioner in the present case have been placed as Range Officer Grade-I, as such, the question of their inclusion in the Seniority List of Range Officer Grade-I does not arise.

Now, therefore, keeping in view the afore-stated position, claim of the petitioners having been considered in deference to the order dated 06.05.2024 passed by the Hon'ble Central Administrative Tribunal in OA No. 281/2024, is found devoid of merit at this stage being sub-judice matter.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar), IAS
Principal Secretary to the Government.

Dated:- 05.12.2024

No: FST-Lit/257/2024-02

Copy to the:-

1. P/S to Ld. Advocate General, Jammu and Kashmir for kind information.
2. Principal Chief Conservator of Forests/HoFF, J&K
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Director, Archives, Archaeology and Museums, J&K.
5. Officer on Special Duty (OSD) with Hon'ble Minister, Forest, Ecology & Environment Department, Government of Jammu and Kashmir, for kind information of the Hon'ble Minister.
6. Private Secretary to the Principal Secretary to the Government, Forests, Ecology & Environment Department.
7. I/c-Website.
8. Government Order file (w.3.s.c)/Stock file.

Raj Kumar
15.12.24
(Raj Kumar)

Under Secretary to the Government