



Government of Jammu and Kashmir
Department of Forests, Environment and Ecology
Civil Secretariat

Subject: Regularization of Technical Assistants as RO II in relaxation of rules.

GOVERNMENT ORDER No. 385-FST OF 2018

DATED 25.10.2018

Whereas, Vide SRO 354 dated 11.11.2009 the Jammu and Kashmir (Compensatory Afforestation Fund Management & Planning Authority) Rules, 2009 were notified;

Whereas, as per Rule 6 of the Jammu and Kashmir (Compensatory Afforestation Fund management & planning authority) Rules 2009, the money available with CAMPA shall also be utilized for the remunerations payable to its employees appointed on contract by utilizing a minor part of the income from interest received on funds invested by State CAMPA;

Whereas, the PCCF vide its advertisement No. PCCF/CAMPA/004 dated 29.03.2012 invited applications to fill up the various posts under State CAMPA in pursuance of SRO 354 of 2009 dated 11.09.2009;

Whereas, vide Government order No 200-FST of 2012 dated 25.4.2012 headed by Chief Conservator of Forest (CAMPA) a committee was constituted for processing the application and conducting the interviews for selection of the candidates as per advertisement notice regarding man power requirement in state under CAMPA;

Whereas, in pursuance of the advertisement No. PCCF/CAMPA/004 dated 29.03.2012 among others; the following need based Technical Supervisors which were later renamed as Technical Assistants were also selected on temporary / consolidated basis at a monthly remuneration of Rs.8000/- per month which was increased from time to time and they are now drawing Rs. 20,000 per month;

S.No	Name of the Technical Assistant	Order no	Issued by
01	Sh. Sheikh Nisar Ahmad	Order no. 207 of 2017 dated 27.10.2017	Chief conservator of Forest/ Project coordinator(CAMPA)
02	Sh. Ashiq Hussain Parray	Order no. 207 of 2017 dated 27.10.2017	Chief conservator of Forest/ Project coordinator(CAMPA)

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03	Sajad Ahmad Wagay	Order no. 207 of 2017 dated 27.10.2017	Chief conservator of Forest/ Project coordinator(CAMPA)
04	Wajahat Waseem Rather	Order no. 188 of 2017 dated 05.10.2017	Chief conservator of Forest/ Project coordinator(CAMPA)
05	Sh. Gohar Afzal	Order no. 188 of 2017 dated 05.10.2017	Chief conservator of Forest/ Project coordinator(CAMPA)
06	Sh. Sameer Iqbal Rather	Order no. 174 of 2017 dated 05.10.2017	Chief conservator of Forest/ Project coordinator(CAMPA)
07	Masrat Aziz	Order no. 268/ Forest dated 24.1.2018	Chief conservator of Forest/ Project coordinator(CAMPA)
08	Abdul Naseer	Order no. 268/ Forest dated 24.1.2018	Chief conservator of Forest/ Project coordinator(CAMPA)
09	Jahanzeeb Shahzad Choudhary	Order no. 268/ Forest dated 24.1.2018	Chief conservator of Forest/ Project coordinator(CAMPA)

Whereas vide letter No. PCCF/NG/Estt/50/450/411 dated 12.07.2017 the PCCF has requested for regularization of these need based workers;

Whereas, after examination of the case vide U. O No. FST/NG/30/2016 dated 23.2.2018 the same was submitted to General Administration Department for its placement before the State Cabinet;

Whereas vide U.O No GDC-43/2018 dated 22.06.2018 the General Administration Department has returned the proposal with the following advise;

"The Department is advised that there is no merit in the proposal and hence cannot be agreed to"

Whereas, these Technical Assistants have approached the Hon'ble High Court at Srinagar through a Service Writ Petition No. 1544/2018 IA No 01/2018 titled Sheikh Nisar Ahmad & Ors V/s State of J&K & other. The Hon'ble High Court passed the judgement dated 11.07.2018, the operative part of which is reproduced as under;

"There is no denial of the fact that the petitioners are claiming to be engaged as Technical Assistants only after completing the selection process and on the basis of merit they have obtained in the process, having reference to their recommendation for engagement, therefore their continuation as also their claim for absorption is required to be considered by the Government.

Ranbir

Prima Facie a case for grant of ad interim relief is made out.
Notice returnable within four weeks.

Notice in MP also returnable within the same period. IN the decision on the memorandum are directed to consider and take decision on the memorandum dated 15.02.2018 submitted by respondents No. 2 and also on the recommendation made by respondent No. 03 contained in communication dated 30.05.2016 regarding creation of posts and regularization of petitioners. "

Whereas, the engagement of these technical Assistants were made on need/temporary basis subject to condition that such engagements shall be valid for one year and the persons shall be deemed to have been disengaged after expiry of the above said period. Further a thirty days notice shall be required on either side to relieve/discontinue engagement. However, CAMPA has right to relieve the person forthwith in case his/her performance found to be lacking or unsatisfactory, in which case, no notice will be required;

Whereas, regularization of these Technical Assistants as Range Officer-II in relaxation of rules was examined by General Administration Department and has been turned down by the GAD on the grounds of having no merit;

Whereas, the proposal has been again considered and it was found that the engagement of Technical Assistants has been made purely on temporary basis and their services cannot be regularized as such;

Therefore in light of the above proposal with regard to regularization of Technical Assistants has been considered and found devoid of any merit and hence rejected;

By order of the Government of Jammu & Kashmir.

Sd/-

(Manoj Kumar Dwivedi)IAS

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

Dated:- 25.10.2018

No: FST/LII/86/2018

Copy to the:

1. Commissioner/Secretary to Government General Administration Department.
2. Pr. Chief Conservator of Forests, J&K, Srinagar.
3. Chief Conservator of Forests, Jammu.
4. Chief Conservator of Forests, Kashmir.

5. OSD with Hon'ble Advisor (K) to the Hon'ble Governor for information.
6. Private Secretary to commissioner/Secretary to Government.
7. Government order file (w.3.S.Cs)

Ram Savak
(~~Ram Savak~~) KAS

Additional Secretary to Government
Forest, Environment & Ecology Department.

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