



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

Subject: Consideration of claim in SWP No. 177/2016 & MP No. 01/2016 titled Bashir Ahmad Sheikh & Others V/s State of J&K Others.

Government Order No. : 91-JK(FST) of 2023
Dated : 13/04/2023

Whereas, Non-Gazetted Forest Officers Association earlier approached the then Hon'ble Minister, Forest, Ecology and Environment Department for resolving their pending demands which include, Removal of Pay Anomaly, Risk Allowance, 2 ½ days extra salary, regularization of DRWs engaged before ban, reorganization of the Department and Promotion Avenues;

Whereas, the memorandum submitted by the Non-Gazetted Forest Officers Association was forwarded to the Principal Chief Conservator of Forests (HoFF), on the directions of the then Hon'ble Minister for constituting a committee in this regard;

Whereas, Office of Principal Chief Conservator of Forests (HoFF), J&K vide letter No. PCCF/NG/Estt/File No. 49/3493 dated 18.12.2015 submitted a detailed report of the committee constituted vide Forest Order No. 226 of 2015 dated 26.10.2015 for examination of the demands of the Non-Gazetted Forest Officers Association in respect of Pay anomaly in various cadres of the Forest Department besides demand of risk allowance and 2 ½ days pay to be at par with State Police Department and Forest Protection Force;

Whereas, the Committee after examining the demand with regard to pay anomaly submitted its recommendation and suggested revision of present scale of the executive/field staff of the Forest Department alongwith financial implication as the pay grades given to the Non Gazetted staff of police department are higher than those of Executive staff of Forest Department. The Committee also recommended the risk allowance & 2 ½ days pay at par with the State Police Department and Forest Protection Force;

Whereas, in the meantime the applicants approached the Hon'ble Court through a medium of SWP No. 177/2016, MP No. 01/2016 dated 10.02.2016 wherein the Hon'ble Court passed the following appropriate orders;

Given the nature of grievance, the instant petition is disposed of at the very threshold stage by directing the respondents to consider the grievances of petitioners in totality in view of the recommendations of the Committee dated 18.12.2015 and pass appropriate orders within a period of four weeks from the date copy of order is served upon the respondents by the petitioners.

Disposed of along with connected MP.

Whereas, the proposal submitted by the PCCF(HOFF), J&K vide letter dated 18.12.2015 was examined in the department and was referred to the Finance Department for their concurrence. However, Finance Department vide UO dated 25.05.2016 raised various observations, among which include:-

- i. the currency of 6th Pay Commission being over the department shall need to submit the proposal once a decision regarding implementation of 7th Pay Commission recommendation is taken.
- ii. Regarding grant of 2 ½ days pay, the department is advised to list out the categories of employees with number & designation who work during odd hours including Sundays and Holidays, mentioning the nature of job performed alongwith financial implications.
- iii. As regards grant of risk allowance the department is advised to explore covering the employees under an insurance scheme with adequate risk cover instead of contemplating risk allowance which may not at all insure these employees and families against risk.
- iv. To issue consideration order in compliance with the directions of Hon'ble Court orders dated 10.02.2016 issued in SWP No. 177/2016 titled Sheikh Bashir Ahmad and Ors.

Whereas, the above observations of the Finance Department were forwarded to the PCCF(HoFF), J&K vide this department's letter dated 03.06.2016 for further necessary action;

Whereas, PCCF (HoFF), J&K vide letter dated 15.11.2017 again recommended the case of the Non-Gazetted Forest Officers Association, while replying to the observations of Finance Department, for consideration in light of the 7th Pay Commission recommendations and its referral to the Finance Department;

Whereas, vide this department's OM No. FST/NG/81/2014 dated 19.03.2018, the statement showing proposed financial implication to be involved in payment of extra salary equivalent to two and half day salary alongwith the details of the employees who work during odd hours including sunday and holiday with the nature of job was forwarded to Finance Department for taking appropriate decision in the matter;

Whereas, the department vide OM No. FST/NG/81/2014 dated 31.08.2021 invited attention of the Financial Commissioner, Finance Department towards this department's letter dated 12.03.2012, followed by chain of reminders dated 03.07.2013, 03.10.2014 and 16.10.2014 regarding the issue and requested him to intimate the latest status of the case, as the Association was pressing hard for the same;

Whereas, the Finance Department vide OM No. FD-Code/374/2021-03 dated 27.10.2021 intimated that watch and ward duty on roster pattern in Forest Department is discharged by the personnel of Forest Protection Force who are drawing the said benefits on the analogy of Police Personal in terms of SRO 264 dated 09.08.2012, and as such, the demand is not justified; and

Whereas, vide letter dated 18.11.2021, the advise of the Finance Department was forwarded to the Principal Chief Conservator of Forests (HoFF), J&K for further necessary action in the matter.

Now, therefore, keeping in view the afore-stated position, claim of the petitioners having been considered in deference to the order dated 10.02.2016 passed by the Hon'ble Court in SWP No. 177/2016, MP No. 01/2016 dated 10.02.2016, is found devoid of any merit. Accordingly, the claim of the petitioners is hereby rejected.

By order of the Government of Jammu and Kashmir.

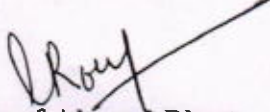
Sd/-
(Dheeraj Gupta) IAS,
Principal Secretary to the Government
Forest, Ecology & Environment Department

No. FST-Lit/16/2021-02-Forest Department

Dated: 13/04/2023

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Commissioner/Secretary to the Government, General Administration Department.
3. Principal Chief Conservator of Forests (HoFF), J&K. He is requested to have the compliance report filed in the matter on the strength of this Order.
4. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
5. Secretary to the Government, Law, Justice and PA Department.
6. Director, Archives, Archeology and Museums, J&K
7. Pvt. Secretary to Chief Secretary, J&K.
8. PS to Principal Secretary to Government, Forest, Ecology & Environment Department, J&K.
9. Government Order file (w.2.s.c.). /Stock file/ In charge Website.


(Rouf Ahmad Bhat)
Under Secretary to the Government
Forest, Ecology & Environment Department