



Government of Jammu and Kashmir
Govt. Medical College SRINAGAR
10-Karan Nagar, Srinagar, J&K-190010
(Legal Section)



Subject: **Accord of Consideration in case of OA No 995/2021 titled Irfanillahi lone and Anr Vs UT of J&K and ors.**

Order No :- 017 of 2025

Dated : 04/09/2025.

1. **Whereas**, the applicants are aggrieved by the advertisement notice no. 02 of 2021 dated 26.03.2021 by virtue of which the promotional posts of Social Worker meant for promotional quota have been put to advertisement notice in terms of Item No. 204 of the said advertisement. The applicants submitted their application for appointment against the post of Social Worker under promotional quota. In terms of seniority position also, the applicants are due for promotions under the promotional quota and after completing the formalities the applicants were expecting that their promotions would be considered but instead of implementing the recruitment rules, the respondents have advertised all the 08 posts of Social Worker and intend to fill all of them through direct recruitment only. He further contends that the prescribed percentage of post ear marked for promotional quota is 25% and the balance 75% is to be filled by direct recruitment from open market. However, the respondents have advertised all the 08 posts to be filled through direct recruitment vide advertisement no. 02 of 2021 dated 26.03.2021 issued by Jammu & Kashmir Service Selection Board. Item No. 204 of the said advertisement notice is relevant which clearly shows that all the eight posts are to be filled solely by direct recruitment.

✓ 2. **Whereas**, this Hon'ble Court under and in terms of order dated 13-07-2021 has been pleased to pass direction, the relevant excerpt whereof is reproduced as under:

Looking to the limited prayer made by the learned counsel for the applicants, we dispose of the O.A. with direction to the respondents to consider the case of the applicants for promotion against the post of Social Worker in terms of promotional quota meant for them strictly in order of seniority and to keep two posts earmarked for the applicants. The Item No. 204 of the advertisement notice no. 02 of 2021 issued on 26.03.2021 may be suitably modified so as to reserve two posts for the consideration of the applicants for promotion and balance six may be filled by way of direct recruitment."

3. **Whereas**, in order to implement judgment/order as mentioned above passed by the Hon'ble court, the matter remained under active consideration in the respondent department, including taking up the matter with the Administrative Department, from time to time and the department has also kept two posts earmarked as directed by the Hon'ble Court.

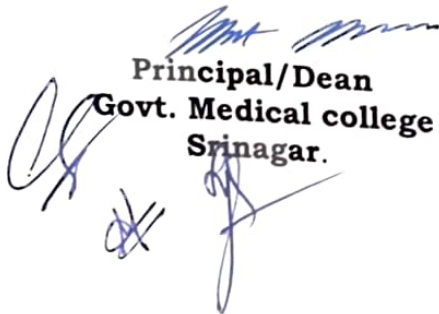
4. **Whereas**, though the executive order No. 456 JKHME of 2023 dated 02-06-2023 qualifies the in-service candidates as the feeding cadre members to the said post, but it could not be clearly ascertained the category of the in-service candidates for elevation to the post of Social Worker and accordingly the case was taken up with the Administrative Department vide this office communication No AH-9/Est II/MC/2021/7882-84, dated 26-02-2021 followed by the reminder vide No, MCHS/Est-III/2024/274-75, dated: 01-06-2024, where under they were requested to clarify, which category of the in service candidates are eligible for promotion to the post of Social Worker under promotional quota, as there is no specific mention of the category of the in service candidates for promotion, and the case involves change of cadre of the Govt. employees to the post of social Worker. Further as per circular issued by GAD vide circular No: 25-GAD of 2002, dated: 29-08-2003 such proposals are not in consonance with the decision of Hon'ble Supreme Court of India in the case titled Suraj Prakash Gupta and Ors Vs State of Jammu and Kashmir and ors and also the State Government. (Copy annexed herewith as annexure-I). The reply of the same has not been received from the Administrative department yet.

5. **Whereas**, the instant case was initially filed by 2 petitioners, among which petitioner No. 1 has already withdrawn the case and the Hon'ble court has accepted the withdrawal on 20-01-2024. Besides that the petitioner No. 1 has accepted the fact that that his claim was not genuine as it involves the cadre change as the petitioner was originally borne in the pharmacy unit of GMC Srinagar working as Jr. Pharmacist level 4 and has now been promoted in its own cadre to next higher grade i.e. Sr. Pharmacist level-6 on stop gap arrangement basis vide order No. 932 AH of 2023 dated: 07-03-2025 in terms of standing rule position envisaged vide Govt. order No. 45 JK HME of 2023 dated 02-06-2023.

Now therefore in view of the above facts and legal position quoted above and in compliance of the Hon'ble High Court order dated : 31-07-2025 in CP 64/2024 in OA 995/2021 titled Irfan Illahi Lone Vs Dr. Abid Rasheed and Ors, the Claim of the petitioner having been considered and examined is found merit less and is hereby rejected.

No: Legal/MC/Sgr/ 249-53

Dated: 04/09/25


Principal/Dean
Govt. Medical college
Srinagar.

Copy to the:

1. Secretary to Govt. Health and Medical Education Deptt. Civil Secretariat.
2. Adv, Waseem Gul Govt. Advocate
3. IT Section for uploading on official website
4. Petitioner

Government of Jammu and Kashmir
General Administration Department

Subject: Change of Cadre.

Circular No: 25 -GAD of 2003
Dated: 29 -08- 2003

Attention is invited to Circular No.07-GAD of 2003 dated 12.03.2003, passing upon all the Administrative Secretaries and the Head of the Departments not to attend cases involving change of cadre of Government employees as such proposals are not in consonance with the decision of Hon'ble Supreme Court in the case titled Suraj Singh Gupia and others Vs State of Jammu and Kashmir and others and also the policies of the State Government. It has however been observed that some Departments are still forwarding cases to the General Administration Department for change of cadre despite instructions to the contrary.

It is therefore, once again impressed upon all the Administrative Secretaries and the Head of the Departments not to refer cases to the General Administration Department for change of cadre of any Government employee.

Sd/- (S.L.Dhat)
Principal Secretary to Government

Dated: 29-8-2003

GAD(Adm) 25/7/2003-V

Copy to the:

- All Financial Commissioners to Government.
- All Principal Secretaries to Government.
- All Commr/Secretaries to Government.
- All Secretaries to Government.
- All Head of the Departments.
- Private Secretary to Chief Secretary.
- Private Secretary to Principal Secretary to Government, GAD.
- Stock file.

(Asgar Hussain)
Under Secretary to Government
29/8/03