

Government of Jammu and Kashmir,  
**Transport Department Civil Secretariat,**  
J&K Jammu.

Subject: Release of selection grade (non-functional) in favour of Sh. Virinder Kumar Duggal, Ex-ARTO, Transport Department.

**Government Order No. 49 -08-JK(TR) of 2022**  
**Dated: 12 -08-2022.**

**WHEREAS**, Sh. Virinder Kumar Duggal was appointed as Junior Assistant in the Motor Vehicle Department on 10-01-1975 and he was promoted as Motor Vehicle Inspector from Ministerial Cadre (Non-technical), on the basis of draft recruitment rules which were not approved by Standing Committee for further approval of Competent Authority. He was further promoted and regularized as ARTO w.e.f. 12-12-2000 vide Government Order No. 91-TR of 2009 dated 15-12-2009; and

**WHEREAS**, the Transport Commissioner, J&K vide letter No. TC/Estb/PF/ARTO/09/6763-64 dated 07-10-2009 had forwarded the case of Sh. Virinder Kumar Duggal, Ex-ARTO for voluntary retirement. The case was examined in the Department and vide Government Order No. 84-TR of 2009 dated 29-10-2009, Sh. V.K. Duggal got retired on voluntary basis; and

**WHEREAS**, in the year 2017, inter-alia, the case for release of selection grade (non-functional) in favour of Sh. Duggal was placed before the Committee (Departmental Selection Committee for release of selection grade) for consideration. The Committee in its decision dated 14-11-2017 deferred the case of Sh. Virinder Kumar Duggal, Ex-ARTO for want of vigilance clearance. After examination, the General Administration Department had been requested to furnish the vigilance clearance in favour of the said officer; and

**WHEREAS**, the General Administration Department vide O.M. O.M. GAD (Vig)21-NOC/2019-TPT dated: 25-02-2020 conveyed that there is no preliminary Enquiry/FIR pending against Shri Virinder Kumar Duggal , Ex-ARTO Rajouri in the records of Anti Corruption Bureau; and

**WHEREAS**, in the meantime Sh. Virinder Kumar Duggal, EX-ARTO Rajouri filed O.A. No. 61/821/2021 titled Virinder Kumar Duggal Vs state and others in the Hon'ble Central Administrative Tribunal Jammu Bench, Jammu and in its order, the Department was directed to consider the representation of the applicant dated 04-8-2020 & 20-03-2021 and

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grant selection w.e.f. 27-09-2006 in light of minutes of meeting held on 14-11-2017. The Central Administrative Tribunal Jammu Bench, Jammu disposed of the O.A. No.61/821/2021 titled Shri V.K. Duggal Vs State and others and passed the order dated. 25-05-2021, the operative part the order is re-produced as under:-

***".....Looking to the limited prayer made by the learned counsel for the applicant and facts and circumstances of the case, we dispose of the O.A. with direction to the competent authority amongst the respondents to take a decision on the representation dated. 20.3.2021 by passing a reasoned and speaking order and communicate the decision so taken to the applicant within a month from the date of receipt of certified copy of this order. While taking a decision on the representation, the respondents would also take into consideration the averments made in the O.A as well as the minute of the meeting held on 14.11.2017."***

**WHEREAS**, the matter was taken up with the Department of Law, Justice and Parliamentary Affairs for opinion in the matter, who vide U.O. No. File No. LAW-LIT8/124/2022-10 dated 29-3-2022 has opined as under:-

***"Department is advised to comply with the order dated 25-05-2021 passed by Central Administrative Tribunal Jammu Bench and examine the representation of the petitioner and also the averments made in the OA and the decision taken in the meeting dated 14-11-2017 referred to in the aforesaid CAT order and thereafter pass a detailed reasoned order and accordingly file statement of facts/compliance before the Court."***

**WHEREAS**, in terms of the opinion of the Department of Law, Justice & Parliamentary Affairs comply with the order dated 25-05-2021, passed by Central Administrative Tribunal Jammu Bench, the case of the petitioner has been examined in the Department and it has been found that the selection grade (non-function) in favour of the Ex-ARTO w.e.f. 27-09-2006 was not released by the Committee in its meeting held on 14-11-2017 and deferred for want of vigilance clearance. The General Administration had furnished the Vigilance clearance in respect of the officer on 25-02-2020 and there was no need to seek fresh vigilance as the Officer is presently not in Government service, the Officer got

*msk*

*hgr*



voluntary retirement in the year 2009, for which among other codal formalities, vigilance clearance was mandatory and the same had been obtained at that relevant point of time; and

**WHEREAS**, in compliance of Order dated 25-5-2021, issued by Hon'ble Central Administrative Tribunal (CAT), followed by the advise rendered by the Department of Law, Justice and Parliamentary Affairs, the case of Shri Virinder Kumar Duggal for grant of selection grade or otherwise was placed before the Committee constituted vide Government Order No. 46-JK(TR) of 2021 dated 21-06-2021 on 27-06-2022; an

**WHEREAS**, the committee after threadbare discussion and deliberation, decided not to grant the selection grade in favour of Sh. Virinder Kumar Duggal, Ex-ARTO, who has already got the benefits of promotion from time to time on the basis of draft rules which weren't finalized by the Competent Authority at the relevant point of time.

Now, therefore, in view of the facts elucidated above, the claim of Sh. Virinder Kumar Duggal, Ex-ARTO (Petitioner) with regard to release of selection grade (non-functional) was considered in the Department and found devoid of merit and hence rejected.

By order of the Government of Jammu and Kashmir.

**Sd/-**

(Hirdesh Kumar) IAS  
Commissioner/Secretary to Government  
Transport Department.

No. TRPT-MVDON/23/2021-02-TPT  
Copy to the:

Dated: 12-08-2022.

1. Principal Secretary to the Government, General Administration Department.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Transport Commissioner, J&K, Jammu.
4. Director Finance, Transport Department.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor for information of the Hon'ble Advisor (B).
6. Private Secretary to Commissioner/Secretary to the Government, Transport Department.
7. Sh. Virinder Kumar Duggal, Ex-ARTO.
8. Govt. Order/Stock file (W.2.S.C.).



(Manik Singh Rathore)

Under Secretary to the Government  
Transport Department.

