

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

Subject: Representation of Mr. Swaran Singh, JKAS, regarding ante-dating promotion into the Time Scale of JKAS-fixation of seniority as ARTO thereof.

Reference: O.M. No. GAD-SERVOKAS/90/2021 dated 08-12-2022 of General Administration Department.

Government Order No. 11-JK (TR) of 2023
Dated: 16-02-2023

WHEREAS, on the recommendations of the J&K, Service Selection Board and vide Order No. 122/Estt of 2000 dated 01-08-2000 issued by the Transport Commissioner, J&K, inter-alia, Mr. Swaran Singh had been appointed as Motor Vehicle Inspector (Tech), under Divisional Cadre, Jammu, in the Transport Department, in the Pay Scale of Rs. 6500-200-10500 (Pre-revised);

WHEREAS, vide Government Order No. 70-TR of 2007 dated: 20-07-2007, Mr. Swaran Singh, Motor Vehicle Inspector (Tech) was placed as Assistant Regional Transport Officer in his own pay and grade with charge allowance as admissible under rules;

WHEREAS, on the recommendation of the J&K, Public Service Commission /Departmental Promotion Committee, vide Government Order No. 47-TR of 2019 dated 09-07-2019, Mr. Swaran Singh, I/c ARTO was regularized as Assistant Regional Transport Officer in the Motor Vehicles Department in the Pay Scale of Rs. 9300-34800+GP=4800 (pre-revised) 47600-151100 with effect from **08-02-2008**;

WHEREAS, vide Government Order No. 449-JK(GAD) of 2020 dated 06-04-2020 issued by the General Administration Department, Mr. Swaran Singh, Assistant Transport Commissioner, J&K/ARTO was placed from departmental feeding services to the Time Scale of Jammu and Kashmir Administrative Service, on stop gap basis (Transport Department), in his own pay and grade and posted as General Manager, JK, RTC, Jammu;

WHEREAS, vide Government Order No. 114-JK(GAD) of 2021 dated 06-02-2021, Mr. Swaran Singh was appointed (by promotion) to the Time Scale of the Jammu and Kashmir Administrative Service, in the Pay Band of Rs. 15,600-39,100 with Grade Pay of Rs. 6600 (Level-11, 67700-208700) notionally w.e.f. 01-01-2019 and on regular basis w.e.f. 06-04-2020;

WHEREAS, Mr. Swaran Singh, JKAS approached to the General Administration Department with the plea that he may be given the effect of induction ante-date and General Administration Department vide O.M. No. GAD(Ser)KAS/23/2021 dated 04-03-2021 forwarded the representation of Mr. Swaran Singh, JKAS to this Department to furnish factual report in the matter;

WHEREAS, the representation was examined in the Department and vide this Department's O.M. No. TR-43/MVD/Induction/2019 dated 23-04-2021, the factual report of the case was submitted to the General Administration Department;

WHEREAS, the General Administration Department vide O.M. No. GAD-SERVOKAS/90/2021 dated 08-12-2022 again requested this Department to notify the seniority list of the officers of the Jammu and Kashmir Transport (Gazetted) Service and to clarify after finalization of seniority list, any impact on the position of Mr. Swaran Singh viz-a-viz his juniors and his induction in JKAS from 01-01-2019;

WHEREAS, the final seniority list of ARTOs of J&K, Transport (Gazetted) Service, as it stood on 01-01-2010 was issued vide Government Order No. 80-TR of 2010 dated 24-12-2010. The said seniority list was issued before the regularization of Mr. Swaran Singh, thereafter, no seniority list of ARTOs of Transport (Gazetted) Service was notified/issued till date;

WHEREAS, the last officer figuring in the said seniority list was Mr. V.K. Manyal, under S.C. Category whose date of entry into Government service was 04-04-2008 under direct recruitment quota whileas Mr. Swaran Singh was promoted/regularized as Assistant Regional Transport Officer w.e.f. 08-02-2008;

WHEREAS, Sub Rule (1) of Rule 24 of Jammu and Kashmir, Civil Services (Classification, Control & Appeal) Rules, 1956 regarding fixation/issuance of seniority of the Government employees provides as under: -

"The seniority of person who is subject to these rules has reference to the service, class, category or grade with reference to which the question has arisen. Such seniority shall be determined by the date of his first appointment to such service, class, category or grade as the case may be."

In view of the above rule position and as requested by the General Administration Department, the seniority of Mr. Swaran Singh as ARTO is proposed to be fixed at 8-A in the final seniority list issued vide Government Order No. 80-TR of 2010 dated 24-12-2010 i.e. above Mr. V.K. Manyal and below Mr. Manzoor Ahmed on the grounds that Mr. Swaran Singh has been regularized/promoted as ARTO on 08-02-2008 (vide Government Order No. 47-TR of 2019 dated 09-07-2019) i.e. prior to Mr. V.K. Manyal (SC) was appointed as ARTO on 04-04-2008 under direct recruitment quo

In case, any official feel aggrieved with the position assigned to Mr. Swaran Singh, as ARTO at 8-A, in the final issued vide Government Order No. 80-TR of 2010 dated 24-12-2010 i.e. above Mr. V.K. Manyal and below Mr. Manzoor Ahmed, containing the facts, as have come to the light now and which have a material bearing on the issue of determination of seniority of ARTO of the Motor Vehicles Department, should reach Administrative Department, Civil Secretariat, J&K, Jammu within a period of twenty one (21) days from the date of issuance of this Order, failing which the position assigned to Mr. Swaran Singh shall be deemed to have attained finality.


By order of the Government of Jammu and Kashmir.

Sd/-
(G. Prasanna Ramaswamy) IAS
Secretary to the Government,
Transport Department.

No. TRPT-MVD0N/07/2021-02-TPT
Copy to the:-

Dated: 16-02-2023.

1. Commissioner/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. Private Secretary to Secretary to the Government, Transport Department.
5. Concerned officials.
6. I/c official website, Transport Department.
7. Govt. Order/Stock file (W.2.S.C.).


(Manik Singh Rathore)
Under Secretary to the Government,
Transport Department.

