

**GOVERNMENT OF JAMMU AND KASHMIR
JAL SHAKTI DEPARTMENT
CIVIL SECRETARIAT, JAMMU/SRINAGAR**

Subject:- O.A No. 419/2025 titled Surinder Singh Samyal and Ors. Vs. UT of J&K and Ors.

Government Order No. 123-JK (JSD) of 2025

Dated:- 16.05.2025

Whereas, Surinder Singh Samyal and others (hereinafter referred to as applicants) filed the application bearing O.A No. 419/2025 titled Surinder Singh Samyal and Ors. Vs. UT of J&K and Ors. before the Hon'ble Central Administrative Tribunal at Jammu, wherein the applicants sought the following reliefs:

- i. *Direct the respondents to place the applicants also as I/c Executive Engineers along with their juniors.*
- ii. *Direct the respondents not to make any further placement of the juniors of the applicants to the posts of Executive Engineer till such time the applicants are considered and place as Executive Engineers as well.*

2. Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench vide its order dated 09.04.2025 has issued following directions, which are reproduced as:-

"In the meantime, respondents are directed to consider the case of the applicants for the placement as I/c Executive Engineer from the date they have been notionally promoted. List on 09.05.2025".

3. Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench vide another order dated 17.04.2025 has issued following directions, which are reproduced as:-

"M.A. No. 528 of 2025 has been filed by Ld. Counsel for the applicants seeking correction in order dated 09.04.2025 passed by this Tribunal in O.A. No. 419 of 2025 titled Surinder Singh & Ors. vs. UT of J&K & Ors. Ld. counsel for the applicant submitted that this order may be clarified/corrected by directing the respondents to consider the case of the applicants for placement as I/c Executive Engineers by taking into account their experience as Assistant Executive Engineers w.e.f. the date they had been notionally promoted as I/c Assistant Executive Engineers. Prayer made in the M.A. is allowed for the reasons stated therein. Accordingly, the order dated 09.04.2025 passed by this Tribunal in O.A. No. 419 of 2025 titled Surinder Singh & Ors. vs. UT of J&K & Ors. is modified to the extent that "the respondents are directed to consider the case of the applicants for placement as I/c Executive Engineers by taking into account their experience as Assistant Executive Engineers w.e.f. the date they had been notionally promoted as I/c Assistant Executive Engineers."

With these directions, the M.A. is disposed of.

4. Whereas, among others, including the applicants who were Junior Engineers (Diploma Holders), approached the department for acceptance of their qualifications Degree obtained/acquired through Distance Education Mode from Vinayaka Mission's Research Foundation Tamil Naidu (VMRF) and have qualified the Special examination conducted by the All India

Council for Technical Education (AICTE) during June and December, 2018, as per the directions of the Hon'ble Apex Court; and

5. Whereas, in compliance to the decisions of the Hon'ble Supreme Court of India dated 03.11.2017 and 22.01.2018 and opinion of the Department of Law, Justice & Parliamentary Affairs conveyed vide their U.O. No. LD (Ser) 2018/101-PHE dated 22.10.2018, the case was examined in the department and accordingly vide Circular No. 02-PW (Hyd) of 2020 dated 07.02.2020, tentative seniority list of Junior Engineer (Civil) Degree Holders, Jal Shakti Department as it stood on 01.01.2020 was issued and notified, including those Junior Engineers (Diploma Holders), from dates they have acquired Degree through Distance Education Mode from Vinayaka Mission's Research Foundation Tamil Naidu (VMRF) and have qualified the Special examination conducted by the All India Council for Technical Education (AICTE) through National Institute of Technology for information of the concerned members of the service; and

6. Whereas, vide Government Order No. 121-JK (JSD) of 2020 dated 30.04.2020, final seniority list of Junior Engineers (Degree Holders) as it stood on 01.01.2020 was issued/notified and the names of the officials including the applicants were included at appropriate places.

7. Whereas, vide Govt. order No.204-JK (JSD) of 2020 dated 22.10.2020 among others, the applicants have been placed as I/c Assistant Engineers (Degree Holders); and

8. Whereas, vide Government No.125-JK(JSD) of 2022 dated 23.06.2022, among others, the applicants have been assigned the temporary charge of the post of Assistant Executive Engineers; and

9. Whereas, on the recommendations of the DPC/ PSC, among others, vide Government Order No. 238-JK(JSD) of 2023 dated 06.10.2023 and, vide Government Order No.286-JK (JSD) of 2023 dated 21.12.2023, the applicants have been regularized/ promoted as AEE notional effect from 01.01.2021 and regular with effect from 23.06.2022 i.e. the date officer senior/ junior to them have been promoted; and

10. Whereas, as per the Jammu and Kashmir Engineering (Gazetted) Service Recruitment Rules notified vide SRO 380 dated 06.07.1978 as amended vide SRO-209 dated 04.09.1992 and SRO-297 dated 14.09.2006, the method of Recruitment to the post of Executive Engineer is provided as under:-

Class	Category	Post	Pay Band	Method of Recruitment
III.	A	Executive Engineer	PB-3 of Rs. 15,600 – 39,100 with Grade pay of Rs. 6,600/- (PR)	(a) 80% by promotion from Class IV Category A amongst persons possessing Bachelor's Degree in Engineering or AMIE Section (A&B) India, with at-least 8 years of total Gazetted Service in the same branch of Engineering in which appointment is to be made with at least 4 years' experience as Assistant Executive Engineer. (b) 20% by promotion from Class IV Category A amongst Diploma holders with at least 10 years total Gazetted service in the same branch of engineering in which appointment is to be made with at-least 4 years' experience as Assistant Executive Engineer.

11. Whereas, it has been observed that AEEs (applicants) have not completed at-least 04 years pre-requisite experience as Assistant Executive Engineers at present as required under rules. The details are given shown against each:-

S. No.	Name of the Engineer S/Shri	D.o.B	Seniority position as AEE as on 01.01.2023	Date of appointment as Junior Engineer/ Date of inclusion in the JE (Degree Holders)	Date of promotion as AE on substantive basis w.e.f.	Date of placement as I/c AEE	Date of promotion as AEE on substantive basis w.e.f.	Date of eligibility as I/c XEN
1.	Pankaj Mohan	18.11.1965	362	02/2006	Notional 12.12.2013 and regular 22.10.2020 w.e.f. and w.e.f.	23.06.2022	Notional 01.01.2021 and regular 23.06.2022 w.e.f. and w.e.f.	23.06.2026
2.	Anil Kumar S/o Krishan Kumar	09.04.1972	363	05/2006	Notional 12.12.2013 and regular 22.10.2020 w.e.f. and w.e.f.	23.06.2022	Notional 01.01.2021 and regular 23.06.2022 w.e.f. and w.e.f.	23.06.2026
3.	Surinder Singh Sambyal	08.04.1965	370	02/2007	Notional 12.12.2013 and regular 22.10.2020 w.e.f. and w.e.f.	23.06.2022	Notional 01.03.2021 and regular 23.06.2022 w.e.f. and w.e.f.	The officer retired on superannuation pension on 30.04.2025
4.	Rajesh Sharma	21.09.1965	375	02/2007	Notional 12.12.2013 and regular 22.10.2020 w.e.f. and w.e.f.	23.06.2022	Notional 30.03.2021 and regular 23.06.2022 w.e.f. and w.e.f.	23.06.2026
5.	Yogesh Kumar	18.06.1966	376	02/2007	Notional 12.12.2013 and regular 22.10.2020 w.e.f. and w.e.f.	23.06.2022	Notional 30.03.2021 and regular 23.06.2022 w.e.f. and w.e.f.	23.06.2026

12. Whereas, keeping in view the obtaining position, the applicants could be considered for placement as I/c XENs subject to the condition that they have completed 04 years of pre-requisite service as Assistant Executive Engineers, as specifically stipulated under rules. Moreover, it is pertinent to mention here that notional seniority is granted to ensure that an individual's seniority is protected, and does not in itself, confer or substitute for the practical experience gained through actual service in the capacity of AEE in the required post. It has been observed that although the applicants have been given the notional seniority but they have not served in the position of AEE for the requisite period of 04 years to be eligible to become Executive Engineers.

Now, therefore, the claim of the petitioner has been considered with due deference to the order dated 09.04.2025 and 17.04.2025 and have been found devoid of any merit for the aforesaid reasons and is accordingly rejected.

By order of the Government of Jammu and Kashmir.

Sd/-
(Shaleen Kabra) IAS
Financial Commissioner (Additional Chief Secretary)
Jal Shakti Department

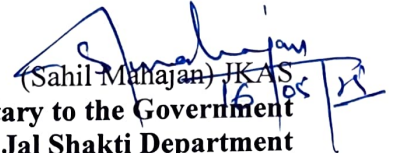
No. JSD-LS02(1)/56/2025-Legal-JSD (C.No.7643839)

Date:- 16.05.2025

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, (PHE/I&FC/RTIC) Jal Shakti Department, Jammu for information and necessary action.

3. Ld. Additional Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble Court.
4. All Chief Engineers.
5. OSD to Hon'ble Minister for Jal Shakti Department, J&K.
6. Additional Secretary to the Government, Jal Shakti Department, J&K.
7. Private Secretary to the Financial Commissioner (ACS), Jal Shakti Department for information of the Secretary.
8. Concerned.
9. Incharge website, Jal Shakti Department.
10. Government order file.


(Sahil Mahajan) JKAS
Under Secretary to the Government
Jal Shakti Department