

No. 14015/9/2008-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi 9th March, 2016

ORDER

Whereas, Mohammed Afzal Bhatt, a State Civil Service officer of Jammu & Kashmir was appointed by promotion to the Indian Administrative Service vide this department's Notification No. 14015/9/2019-AIS.I(B) dated 19.08.2011 from the Select List of 2008-A;

And whereas, on the basis of his appointment from the Select List of 2008-A, Mohammed Afzal Bhatt was assigned 2001 as his year of allotment in IAS vide this department's order No. 14014/17/2005-AIS.I dated 25.4.2012;

And whereas, Mohammed Afzal Bhatt had filed OA No. 62/8/ 2014 before the CAT, Chandigarh Bench with a prayer to assign 2000 as his year of allotment with all consequential benefits;

And whereas, the factual position was that The name of Md. Afzal Bhatt was also included in the previous Select List of 2008 prepared by UPSC in its meeting held on 16.12.2008 against 03 vacancies. However, his name was included at S.No. 2 in the said Select List provisionally subject to clearance of criminal proceedings pending against him and grant of integrity certificate by the State Govt. As his name could not be made unconditional by UPSC within the validity period of the said Select List (which was approved on 9.3.2009), he could not be appointed to IAS therefrom. Consequently his seniority could be fixed as 2001 based upon his appointment from the Select List of 2008-A only.

And whereas, the Hon'ble Tribunal vide its order dated 7.5.2015 allowed the above mentioned O.A. with the following directions:

"...On receipt of the above mentioned order, it was observed that the initial action in the matter was between State Govt. and the UPSC with regards to taking a decision as to whether to make his name 'unconditional' from the Select List of 2008. Accordingly both the State Govt. and the UPSC were requested to take necessary action in the matter.

The facts borne out from a conjunctive perusal of the pleadings make it clear that there is no denial by the respondents that applicant stood acquitted in criminal case on 18.11.2009, i.e., much prior to the expiry of the life time of the Select list. It is also not denied that his case also stood approved by the Union Public Service Commission in terms of 1955 Regulations and notification was subjected to issuance of integrity certificate and clearance of any departmental/criminal case in terms of Regulation-5(v) of the 1955 Regulations. The respondents also admitted that they took a decision not to challenge the judgment in the criminal case but certificate could not be issued prior in



time for which the explanation given by the respondents cannot be considered as a reasonable excuse for depriving a person of his valuable right accrued in his favour. Once the applicant stood acquitted in criminal case there was nothing against him, which can prevent the State Government from issuing the integrity certificate then there was no occasion for the respondents not to issue the integrity certificate during the life span of the select List. Thus the action of the respondents cannot sustain. Accordingly, the same is quashed and set aside. The matter is remanded back to the respondents to reconsider the case of the applicant for allotting him 2000 as the year of allotment, as in the case of Respondent no. 4, who is admittedly junior to the applicant and was considered along with him in the DPC against the vacancy for the year 2008.

The O.A. stands disposed of accordingly. No costs."


And whereas, in compliance with the above order, Union Public Service Commission, vide their letter No.6/7/2008-AIS dated 25.01.2016 has decided to declare the provisional inclusion of the name of Mohammed Afzal Bhatt at S.No. 2 in the Select List of 2008 prepared by the Selection Committee in its meeting held on 16.12.2008 for promotion to IAS, J&K cadre as 'Unconditional and final', based upon grant of integrity certificate by the State Govt.

And whereas, Mohammed Afzal Bhatt has thus become entitled for appointment to IAS from the Select List of 2008 instead of the Select List of 2008-A and fixation of his seniority / year of allotment in IAS on that basis;

And whereas, in the Select List of 2008, the name of Mohammed Afzal Bhatt was included at Sl. No. 2 above Sh. Shahid Anayatullah and below Mrs. Vineeta Gupta.

Now therefore, in pursuance of directions of Hon'ble CAT, Chandigarh Bench contained in its order dated 7.05.2015 in OA No. 62/8/2014 Mohammed Afzal Bhatt (D.O.B. 31.03.1958) shall be deemed to have been appointed to the IAS Cadre of Jammu & Kashmir from the Select List of 2008 w.e.f. 20.03.2009 viz the date from which his immediate junior in the Select List Sh. Shahid Anayatullah was appointed to IAS. His name shall now accordingly be inserted at Sl. No. 1A in this department's Notification No. 14015/09/2008-AIS(I)B dated 20.3.2019. Consequently Mohammed Afzal Bhatt would be entitled year of allotment as 2000 and will be placed below Mrs. Vineeta Gupta (SCS:2000) and above Sh. Shahid Anayatullah (SCS:2000) in the gradation list of IAS officers of the Cadre of Jammu & Kashmir.

(By order and in the name of the President)


(Pankaj) Gangwar

Under Secretary to the Government of India

Copy to:

1. The Chief Secretary, Government of Jammu & Kashmir, Civil Secretariat, Jammu. [Kind Attn. Sh. Pankaj Kumar Sharma, Addl. Secretary(GAD),]. A copy of the above order may please be communicated to the officer concerned.
2. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, **New Delhi** (Kind Attn. Sh. Shailendra Singh, Joint Secretary).

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