

F.No. 22012/79/2013-AIS (I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi dated the 13th July, 2021

ORDER

WHEREAS with regards to Appointment by Promotion to the IAS of erstwhile State of Jammu & Kashmir from the Select List of 2010, a total of 08 vacancies were earmarked. However, on the basis of information provided by the State Government, 03 vacancies were kept reserved due to court directions and the Select List of 2010 was finally prepared against 05 vacancies.

AND WHEREAS in the said Select List, one Mohammed Yusuf Dar was included at S.No. 0A in addition to the normal zone of consideration as per the second proviso to Regulation 5(2) of the IAS (Appointment by Promotion) Regulations. Ms. Dev Lata was included at S.No. 5 in this zone of consideration. However, due to presence of an officer at S.No. 0A, her actual position in the zone of consideration was six.

AND WHEREAS the Selection Committee assessed Ms. Dev Lata as 'Very Good'. However, on an overall relative assessment of all the officers in the zone of consideration, the Selection Committee did not recommend Ms. Dev Lata for inclusion in the Select List of 2010 due to limit on its size.

AND WHEREAS Ms. Dev Lata filed a SWP No. 1290/2013 before the Hon'ble Jammu & Kashmir High Court at Jammu, contending that the reservation of three vacancies for the Select List of 2010 was not correct. The Hon'ble High Court allowed her SWP vide its order dated 05.06.2018, the operative portion of which is re-produced as hereunder:

"For the aforesaid reasons, I find merit in this petition, hence same is allowed. Respondent No. 4 is directed to convene a special meeting of the select committee for considering and recommending the name of the petitioner for her appointment by promotion to IAS against the slot of the year 2010. It could be either against the vacancy which had been wrongly reserved for consideration of induction of Sh. Farooq Ahmed Renzu or against the vacancy which had earlier been reserved for consideration of induction of Ajay Khajuria. The respondent No. 4 shall convene a special meeting of the selection committee to consider the case of the petitioner, as stated above, within a period of four weeks from today. On the basis of deliberation of the Selection Committee, Union Public Service Commission shall make appropriate recommendations in favour of the petitioner to respondent No. 4 within two weeks thereafter. Based on the recommendations of the selection committee/ UPSC, the respondent No. 4 shall issue appropriate orders of appointment/ induction of the petitioner into IAS against the slot of the State for the year 2010 within two weeks thereafter. Needless to say that upon her formal induction into IAS, the petitioner shall be entitled to all consequential benefits."

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AND WHEREAS it was decided to seek comments of the State Government on the said Order of the Hon'ble High Court. The State Government submitted a proposal for re-determining the vacancies for preparing the Select List of 2010 from 05 (earlier) to now 06. Based upon the same, the vacancies were re-determined by this Department vide letter dated 01.03.2019.

AND WHEREAS thereafter, the Review Selection Committee Meeting was held on 28.12.2020 to review the Select List of 2010. The Review Selection Committee recommended the inclusion of Ms. Dev Lata at Sr. No. 6 in the Select List of 2010.

AND WHEREAS, the recommendations of the Review Selection Committee have been approved by the Union Public Service Commission vide their letter dated 05.04.2021.


NOW, THEREFORE, in compliance with the Order dated 05.06.2018 of the Hon'ble High Court of Jammu & Kashmir at Jammu in SWP No. 1290/2013 filed by Ms. Dev Lata and on the basis of inclusion of her name by the UPSC at Sl. No. 6 in the Revised Select List of 2010 prepared against 06 vacancies, Ms. Dev Lata (Date of Birth: 25.08.1956) shall be deemed to have been appointed by promotion to the IAS of erstwhile Jammu & Kashmir Cadre from the Select List of 2010. As Ms. Dev Lata is the last officer appointed from the Select List of 2010, her appointment shall be with effect from 30.05.2013, which is the date from which her immediate senior in the same Select List of 2010 i.e. Sh. Kifayat Hussain Rizvi was appointed to the IAS, with all consequential benefits.

(By order and in the name of President)


(Pankaj Gangwar)
Under Secretary to the Government of India
Ph. No. 23093063

Copy to:

1. The Secretary, Ministry of Home Affairs, North Block, New Delhi (Kind Attn. Sh. Rakesh Kumar Singh, Under Secretary, UTS-I) with the request to take further necessary steps in implementation of the order of the Hon'ble High Court.
2. Ms. Dev Lata through the Secretary, Ministry of Home Affairs, North Block, New Delhi.
3. The Accountant General, Srinagar.
4. The Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi (Kind Attn.: Sh. K. V. Gaur, Joint Secretary).
5. The Establishment Officer to the Government of India.


(Pankaj Gangwar)
Under Secretary to the Government of India