

**Government of Jammu and Kashmir,  
J&K Services Selection Board,  
Hema Complex, Sector-3, Channi Himmat Jammu.  
([www.jkssb.nic.in](http://www.jkssb.nic.in))**

Office order No: 238 SSB of 2021  
Date: - 21 .06.2021

**Subject: LPA No. 224/2019 J&K SSRB V/s Pawan Kumar & Ors.**

Whereas, the J&K Services Selection Board advertised various posts including the post of Cultural Assistant, District Cadre, Doda pursuant with Advertisement Notification No. 01 of 2011 dated 31.01.2011; and

Whereas, the petitioner applied for the post (through proper channel) pursuant to aforesaid Advertisement Notification, as the petitioner was found over-aged and was provisionally selected for the post but his recommendation was kept withheld for want of production of "order mentioning that the applicant was appointed as Contractual Lecturer", so as to give him age relaxation of being in-service; and

Whereas, the petitioner subsequently submitted his documents, sequel to which the matter was taken up with the Directorate School Education, for clarification and in response, the personal Officer Directorate of School Education, Jammu vide his letter No. DSEJ/GAZ/Lect/2434 dated 12.05.2015, intimated that the said candidate has been allowed to work on academic arrangements till date by giving at least two days break after period of 59 days; and

Whereas, the matter was placed before the Board in its 115<sup>th</sup> Meeting and the Board decided to seek clarification from the General Administration Department as to whether academic arrangement can be treated as contractual appointment; and

Whereas, the petitioner in the meanwhile approached the Hon'ble High Court of Jammu and Kashmir at Jammu by filing Writ petition bearing SWP No. 556/2015 titled Pawan Kumar V/s State of J&K and others and the Hon'ble Court vide judgment dated 27.12.2018 disposed of the case with the following directions:-

*"For the reasons mentioned above, present writ petition is allowed. The petitioner is to be treated as a contractual employee, working with Education Department for the purpose of upper age limit for selection as Cultural Assistant. He being No.1 in the Select List in Open Merit is directed to be recommended for appointment to the concerned department. As the petitioner was not at fault, it is directed that he shall be given same deemed date of appointment on which the candidates selected in the same advertisement were appointed, for the purpose of fixation of his pay and seniority, however, actual benefit be paid to him from the date, he join service. Needful be done within one month from the date of receipt of copy of the order".*

Whereas, the Education Department, vide communication dated 25<sup>th</sup> February, 2014, clarified that the petitioner has been working as **contractual basis on academic arrangement Lecturer since 6<sup>th</sup> June, 2006 to 20<sup>th</sup> December, 2013**. Whereas, the matter was again taken up in the meeting of the Board held on 22<sup>nd</sup> December, 2014 and it was decided that a clarification be sought from the GAD in this regard; and

Whereas, the General Administration Department vide communication No. GAD/Mtg/RB-IV/03/2015 dated 12.02.2015 conveyed that the provisions of Jammu and Kashmir Civil Services (Special Provisions) Act, 2010 governing the regularization of employees appointed on ad hoc, contractual or consolidated basis, excludes inter alia those persons who have been appointed on academic arrangement for a fixed term in any Govt. Department,

therefore, appointment on academic arrangement cannot be treated as contractual appointment; and


Whereas, the General Administration Department vide communication No. GAD/(Legal)F-216/2019 dated 08.05.2019 requested to prefer LPA against the judgment dated 27.12.2018 passed by the Hon'ble High Court, Jammu in SWP No. 556/2015 titled Pawan Kumar V/s State of J&K and others. However, the Hon'ble Division Bench vide judgment dated 10.02.2021 dismissed the application for seeking condonation of delay and also the LPA bearing No. 224/2019 titled J&K Services Selection Board & Anr. V/s Pawan Kumar and others on 10.02.2021 with the following order:-

*"...A reference to the initial order of engagement of the respondent No. 1 issued as early as in the year 2006 reflects that the petitioner was engaged on contractual basis against an available vacancy, although on a consolidated pay of Rs. 7000/- per month and with nominal breaks. Even the Act of 2010 does not in any manner disentitle the respondent No.1 to claim the status of a contractual employee. The respondent No. 1 has competed on his own strength in the Open Merit category and figured at S. No. 1 in the merit list. To deny him the benefit as an in-service candidate, in our opinion, would be thus not only unjust but even contrary to the initial term of engagement of the petitioner as also the clarification issued by the General Administration Department dated 27.01.2007. Having considered the matter, in our opinion, we cannot persuade ourselves to allow either the application, seeking condonation of delay or for that matter, the Letters Patent Appeal, which is also found to be without any merit and is accordingly dismissed along with connected application. Disposed of accordingly."*

Whereas, the matter was examined by the J&K Services Selection Board in its 182<sup>nd</sup> meeting held on 23<sup>rd</sup> April, 2021, in compliance with the directions passed by the Hon'ble High Court, Jammu and after considering all aspects the Board reached to the conclusion to implement the judgment of the Hon'ble High Court. Accordingly, it was decided to release the recommendation in favour of the petitioner namely Mr. Pawan Kumar Gupta.

Now, therefore, in deference to Judgment dated 27.12.2018 passed in SWP No. 556/2015 titled Pawan Kumar V/s State of J&K and others read with Judgment dated 10.02.2021 passed in LPA bearing No. 224/2019 titled J&K Services Selection Board & Anr. V/s Pawan Kumar and others by the Hon'ble High Court, Jammu and as per the decision of the Board, the petitioner namely **Pawan Kumar S/o Late Sh. Hans Raj R/O Mandir Mohalla, Doda** is hereby recommended for the post of Cultural Assistant (Jr. Scale) (Information Department), District Cadre Doda at serial No. 01, secured 77.81 points under Open Merit Category pursuant to Advertisement Notification No. 01 of 2011 dated 31.01.2011, Item No. 835/852. However, the terms and conditions will be same as per Selection List forwarded to the Indenting Department vide Communication No. SSB/Sel/Secy/ 013/4749-54 dated 16.12.2013.

By Order.

  
(Sachin Jamwal) KAS,  
Secretary,

J&K Services Selection Board

Dated: 27.06.2021

No. SSB/Legal/P-4/19/298-803

Copy to:-

1. Principal Secretary to Government, Information Department for information and necessary action.
2. Commissioner/Secretary to Government, General Administration Department for information.
3. Pvt. Secretary to Chairman, J&K Services Selection Board for information of the Chairman.
4. Selection Division/ Record file.
5. In-charge website.
6. Mr. Pawan Kumar S/o Late Sh. Hans Raj R/O Mandir Mohalla, Doda.