

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

ORDER NO. 13 -SSB of 2022

DATED: 17 -01-2022

Subject: - OA No. 61/00371/2021 titled Kafil Ahmed and ors V/s UT of J&K and Others

Whereas, that the Jammu and Kashmir Services Selection Board (JKSSB) advertised the post of Account Assistants (Panchayat) Department of Rural development and Panchayati Raj under the provisions of SO 127 of 2020 dated 20.04.2020 under various District Cadres vide advertisement Notification No. 02 of 2020 dated 06.07.2020.

Whereas, the prescribed qualification for the aforesaid post is as under:-

“Graduation in any stream from any recognized University with a minimum of 50% marks for open merit and 45% marks for reserved category. However, candidates having Post Graduation Degree with 50% marks or holding PhD Degree or equivalent shall also be eligible for selection”.

Whereas, that the applicants filed O.A bearing no. 61/371/2021 before the Hon'ble CAT Jammu bench seeking relief as *“Direct the Respondents to adhere to the rules by providing 6% reservation to the Physically Challenged Candidates/Applicants who are Ex-serviceman, under the provisions of rights of persons with Disabilities Act 2016 and also while making the selection for the post of Accounts Assistant Panchayat in the Rural development Department, priority-I may be given to the applicants who have suffered injuries which has been declared as attributable to military service during the war time or peace time under the Ex-serviceman (Re-employment in the central civil services and posts) Rules, 1979”.*

Whereas, that the Hon'ble Central Administrative Tribunal, Jammu vide order dated 02.03.2021 passed the following directions:-

“Looking to the arguments of learned counsel for the applicants, the OA is dispose of with a direction to the respondents to consider and decide the representation of the applicant (Annexure-5) by passing a reasoned and speaking order within a period of one month from the date of receipt of certified copy of this. In case the aforesaid representation is

not available with the respondents, this OA will be treated as representation. It is made clear that we have not expressed any opinion on merits of the case while disposing the present OA.”

Whereas, in terms of J&K, Reservation Act, 2004, J&K Reservation Rules, 2005 and S.O. 127 dated 20.04.2020, the Horizontal reservations to the extent of 6% of the available vacancies have been provided to the ESM and the cut off under Ex-serviceman category vis-à-vis applicants are given below:


S.NO	Name of the applicants	category	Merit secured by the applicants	Merit obtained by last selected candidates in their respective Categories
1.	Kafil Ahmad	ALC/IB (ESM)	17.50	43.54
2.	Jaswant Kumar	OM(ESM)	21.88	32.08

Whereas, the merit of the applicants was less than the cut-off merit in their respective categories and accordingly, were not considered for the post.

Whereas, in pursuance of the aforesaid directions of the Hon'ble Central Administrative Tribunal (CAT) together with rules in vogue, the case was examined by the Board and it was decided to reject the representation of the applicant regarding providing priority-I to them on the basis of such injuries they have suffered which have been declared as attributable to military service during the war time or peace time under the Ex. Serviceman Rules 1979,

Now, therefore, in deference to the order dated 02.03.2021 passed by the Hon'ble Central Administrative Tribunal, Jammu in O.A. No. 00371/2021 titled Kafil Ahmad and ors. v/s UT of J&K & Others, read in conjunction with the rules governing the subject, the Candidature of the applicants namely Kafil Ahmad and Jaswant Kumar have been considered for the Post of Account Assistant (Panchayat) in pursuance to Advertisement Notification No. 02 of 2020 dated 06.07.2020 and rejected, being without any merit.

BY ORDER


(Sachin Jamwal) JKAS,
Secretary
J&K Services Selection Board
Jammu

No. SSB/Legal/K-1/21/420-27/2022

Dated: 17.01.2022

Copy to the:-

1. Additional Chief Secretary to Government, Health and Medical Education Department, Civil Secretariat Jammu/Srinagar for information and necessary action please.
2. Principal Secretary to Government, General Administration Department, Civil Secretariat, Jammu/Srinagar for information.
3. Mr. Rajesh Thappa, Ld. Deputy Advocate General, J&K High Court, Jammu.
4. Pvt. Secretary to Chairman, JKSSB for kind information of the Chairman.
5. Mr. Kafil Ahmad S/o Sh. Kalu Khan R/o Bhatidhar, Tehsil Mendhar, District Poonch
6. Mr. Jaswant Kumar S/o Sh. Krishan Lal R/o Village Lam, Tehsil Nowshera District Rajouri.
7. Selection Division/ Record file.
8. In-Charge Website.