

GOVERNMENT OF JAMMU AND KASHMIR
J&K SERVICES SELECTION BOARD
Hema Complex, Sector -3, Channi Himmat, Jammu
www.jkssb.nic.in

ORDER NO. 262 SSB of 2021
Dated:- 02.07.2021

Subject: O.A. 897/2021 titled Robin Koul V/s UT of J&K and others and disposal of representation of applicant thereof.

WHEREAS, the Department of Rural Development & Panchayati Raj vide communication No. RD&PR/Adm/41/2019 dated: 15.05.2020 forwarded the indents/requisitions for making recruitment to the posts of Accounts Assistant (Panchayat) of 20 districts of the Union Territory of Jammu & Kashmir in accordance with the latest Reservation Rules issued vide S.O. 127 of 2020 dated 20.04.2020; and

Whereas, the J&K Services Selection Board (JKSSB) vide Advertisement Notice No. 02 of 2020 dated 06.07.2020, issued advertisement for district cadre posts of Accounts Assistant (Panchayat) in the Department of Rural Development & Panchayati Raj under the provisions of Jammu & Kashmir Civil Services – Decentralization and Recruitment Act, 2010 read with other relevant rules; and

Whereas, the notification issued by the General Administration Department vide S.O. 180 of 2020 dated 28.05.2020, envisages that there shall be no oral test for posts upto and including Pay Level 5 (Rs 29200-92300) and the selection for all such posts shall be made on the basis of written test only; and

Whereas, the J&K Services Selection Board (JK SSB), conducted OMR based objective type written test for selection of candidates to the 1889 posts of Accounts Assistant (Panchayat) in the Department of Rural Development & Panchayati Raj on 10.11.2020; and

Whereas, based on the performance of the candidates in the OMR based objective type written test conducted on 10.11.2020, the result/score sheet was notified vide Notice No. SSB/Secy/Sel/2020/5145-55 dated 25.12.2020; and

Whereas, the document verification of provisionally shortlisted candidates was notified vide No. SSB/Secy/Sel/2021/12-17 dated 01.01.2021 and No. SSB/Secy/Sel/2021/46-52 dated 04.01.2021; and

Whereas, the applicant has approached the Hon'ble Central Administrative Tribunal, Jammu Bench by filing an O.A. bearing No. 897/2021 titled Robin Koul V/s UT of J&K and others before the Hon'ble Central Administrative Tribunal, Jammu seeking following reliefs:-

Quashing the final Selection List of Accounts Assistant (Panchayat), Rural Development Department issued vide order No. SSB/Sec/Sel/2021/3765-75 dated 10.05.2021 and also seeking quashment of selection of private respondent No. 4 & 5, along with the selection of other Ex-Serviceman selected in open category/ex-serviceman category for the post of Accounts Assistant Panchayat 2021 vide order No. SSB/Secy/Sel/2021/3765-75 dated 10.05.2021 issued by the respondent No. 2, by virtue of which the

applicant has not been selected for the post of Accounts Assistant Panchayat, on the ground that the applicant was discharged from service after cut of date of submission of application form for the above said post and also further seeking quashment of decision/orders passed by the SSRB, against the applicant for non-selection in the final Selection list of Accounts Assistant Panchayat, RDD being illegal arbitrary, malafide discriminatory, punitive and against the law and facts.

Commanding the respondents to appoint the applicant's as Account Assistant Panchayat in view of Advertisement notice dated 06.07.2020 in open and Ex-serviceman category and also in view of the selection of provisional Selection list dated 06.07.2020 in which the applicant have been shown as selected and placed at serial no 15 in open Ex-serviceman Category and treat the applicant as selected candidates for the post of Accounts Assistants in the final selection list of Accounts Assistant of 2021 issued on 10.05.2021 and further direct the respondents in to select 113, candidates in Open Ex-serviceman category.

Whereas, the matter was listed before the Hon'ble Tribunal on 23.06.2021 and the Hon'ble Tribunal passed the following directions:-

"..Accordingly, in view of the limited prayer made by the learned counsel for the applicant, the OA is disposed of with direction to the respondents to consider the present OA along with representation submitted by the applicant and pass a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order. Till disposal of the representation, one post be kept reserved for the applicant.."; and

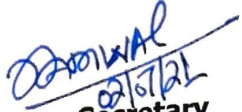
Whereas, in compliance to the said directions of the Hon'ble Tribunal, the claim of the applicant has been examined with reference to record and rules on the subject and it has been found that the applicant namely Robin Koul applied for the aforesaid post under ESM Category on the basis of NOC issued to the applicant by the Navy authority. The applicant was fully discharged from the Navy on 13.10.2020 i.e. much after the last cutoff date for submission of application form i.e. 31.08.2020, as such the applicant was declared as **Not Eligible** by the Selection Committee for the aforesaid post as the applicant has attained the eligibility after the cut off date; and

Whereas, it has also been found that in terms of SO 127 of 2020, 6% horizontal reservation has been provided for the ESM category candidates across the board and the Board has accordingly allocated district wise posts to the extent of 6% strictly in accordance with the indent received from the Rural Development & Panchayati Raj. As per the indent so received and in the light of SO 127 of 2020, 111 posts has been earmarked for ESM category and accordingly the posts have been allocated district wise in respect of said ESM candidates; and

Whereas, it has also been noted that the judgment referred by the applicant in the representation and in the aforesaid OA is yet to attain finality as against the said judgment an appeals pending before Hon'ble Division Bench in case LPA No. 43/2021 titled State of J&K and Ors. V/s Jahangir Ahmed, wherein the Hon'ble Division Bench vide order dated 16.04.2021 has stayed operation of impugned judgment as referred by the applicant in the OA.

Now, therefore, in due deference to the order dated 23.06.2021 passed by the Hon'ble Central Administrative Tribunal in O.A. 897/2021 titled Robin Koul V/s UT of J&K and others, the claim of the applicant namely Robin Koul, S/o M.K.Koul, R/o Village Sonawar Srinagar, Tehsil and District Ganderbal for the post of Accounts Assistant (Panchayats), Rural Development Department pursuant to Advertisement Notice No. 02 of 2020 dated 06.07.2020 has been considered with reference to record and the rules on the subject and found to be devoid of merit and accordingly rejected.

By Order.


Secretary
J&K Services Selection Board
Jammu.

No. SSB/Legal/R-1/2021/4761-68 Dated: 02 .07.2021

Copy to the: -

1. Principal Secretary to Government, Department of Rural Development & Panchayati Raj, J&K.
2. Commissioner/Secretary to Government, General Administration Department.
3. Special Secretary, Law, J&K Services Selection Board, Jammu for information.
4. Sh. Sudesh Magotra, Ld. Deputy Advocate General, Jammu for information.
5. Private Secretary to Chairman, JKSSB for information of the Chairman.
6. I/c Website.
7. Robin Koul, S/o M.K.Koul, R/o Village Sonawar Srinagar, Tehsil and District Ganderbal.
8. Office Record.