



**Government of Jammu and Kashmir  
Department of Food, Civil Supplies and Consumer Affairs  
Civil Secretariat, J & K, Jammu**

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**Subject:- Contempt No.169/2016 in SWP No.2876/2016 titled  
Ashok Kumar Kachroo Vs State of J & K and Others.**

- Ref:-**
- (1) Hon'ble High Court Order dated:22.07.2013 r/w Order dated:07.05.2018 passed in the caption subject matter.
  - (2) Government Order No.74-CAPD of 2013 dated:02.12.2013.
  - (3) Letter No.PSC/DPC/CAPD/84/2013 dated 18.01.2019 issued in continuation to letter of number even dated 11.10.2013 r/w DPC/PSC meeting held on 22.07.2013.

**GOVERNMENT ORDER NO: 50-FCS&CA OF 2019  
D A T E D: 29.03.2019**

WHEREAS, the Department of Food, Civil Supplies and Consumer Affairs vide Government Order No.110 of 1996 dated 04.12.1996 issued under endorsement No.FK-PF(1)/91 dated 04.12.1996 among others placed the petitioner namely Sh. Ashok Kumar Kachroo, Chief Inspector as Incharge Assistant Director in his own pay and grade; and

WHEREAS, the Department vide letter No.CAPD/Estt/G/112/2008 dated 11.05.2009 submitted a proposal for regularization of 35 Chief Inspectors including petitioner to the Public Service Commission by convening the meeting of Departmental Promotion Committee; and

WHEREAS, the meeting of Departmental Promotion Committee was held on 22.07.2013 under the chairmanship of Sh. K.B.

*Handwritten signature/initials*

Jandyal, member of J&K Public Service Commission, wherein among others, Mr. Ashok Kumar Kachroo(Petitioner), figuring at S No.5 was cleared for promotion/regularization as Assistant Director, Consumer Affairs & Public Distribution Department (Now Department of FCS&CA) w.e.f. 08.03.1998 subject to Vigilance Clearance/Integrity Certificate; and

WHEREAS, pursuant to the decision taken in the DPC Meeting, the Department vide Government Order No.74-CAPD of 2013 dated 02.12.2013, regularized 08 (eight) incumbents as Assistant Director, CAPD who were cleared by the DPC in the meeting held on 22.07.2013; and

WHEREAS, in respect of left out incumbents including the petitioner, the Department vide O.M No.CAPD/Estt/G/112/2008 dated 15.01.2014 took up the matter with the GAD for conveying the necessary vigilance clearance in their favour; and

WHEREAS, the GAD vide OM No.GAD(Vig)05-NOC/2014 dated 21.01.2014 sought complete posting details of the left out incumbents from Department of FCS&CA; and

WHEREAS, in the meantime, the petitioner namely Mr.Ashok Kumar Kachroo invoked judicial intervention by filing SWP No.2876/2013, which was disposed of by the Hon'ble High Court vide order dated 27.12.2013, the operative whereof is reproduced as under:-

*"in view of the aforesaid position, the petitioner shall file detailed representation within one week wherein he shall project his seniority position, how he has been discriminated and also to project how he is entitled to be promoted to the post of Assistant Director on the analogy of respondents then Nos 3 to 7.*

*Thereafter, respondent Nos.1 and 2 shall accord consideration in accordance with the permissible rules on the analogy adopted in case of private respondents and finalize the same within a period of six weeks."*

*J. Jandyal -*  
*Ar*

WHEREAS, in compliance to the Hon'ble High Court order dated 27.12.2013, the Department of FCS&CA vide letter No.CAPD/Legal/33/2016 dated 08.06.2017, followed by letter's dated 07.05.2018, 09.05.2018 and 19.07.2018 requested the Director, FCS&CA Kashmir to furnish the posting details of the petitioner in terms of devise proforma prescribed by the General Administration Department; and

WHEREAS, the Director, FCS&CA Kashmir vide letter No.DFCS&CAK/Adm/PF-17 dated 07.08.2018 furnished the posting details of the petitioner; and

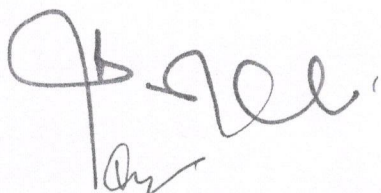
WHEREAS, pursuant to the letter No.DFCS&CAK/Adm/PF-17 dated 07.08.2018, the Department of FCS&CA vide O.M.No.CAPD/Legal/33/2016 dated 28.08.2018 forwarded the posting details of the petitioner to the General Administration Department; and

WHEREAS, the General Administration Department vide O.M.No.GAD(Vig)05-NOC/2018 dated 11.10.2018 reported that as per name, designation and posting details, there is no preliminary enquiry/FIR pending against Mr.Ashok Kumar Kachroo(petitioner) in their records; and

WHEREAS, pursuant to O.M.No.GAD(Vig)05-NOC/2018 dated 11.10.2018 of General Administration Department, this Department vide letter No.FCS&CA/Legal/33/2016 dated 04.12.2018 conveyed the vigilance clearance to the Public Service Commission for further necessary action in light of the decision taken in the meeting of DPC held on 22.07.2013 ; and

WHEREAS, the Public Service Commission vide letter No.PSC/DPC/CAPD/84/2013 dated 18.01.2019 conveyed the decision of the PSC/DPC for regularization/promotion of Mr.Ashok Kumar Kachroo, Chief Inspector(Petitioner) as Assistant Director w.e.f. 08.03.1998 ; and

WHEREAS, the petitioner has retired from the active service on 30.04.2010.



Now, keeping in view of the facts narrated above and in compliance of judgment dated: 27.12.2013 passed in SWP NO. 2876/2016, r/w order dated:07.05.2018 passed in contempt No. 169/2016 (in SWP No2876/2016) titled Ashok Kumar Kachroo Vs State of J&K & others as well as recommendation of J&K Public Service Commission, sanction is hereby accorded to the promotion of Mr. Ashok Kumar Kachroo (retired), Chief Inspector of Consumer Affairs & Public Distribution Department(NowFCS&CA) as Assistant Director in the pay scale of PB-2 Rs9300-34800 with grade pay of 4800 in the Department of Food , Civil Supplies and Consumer Affairs w.e.f. 08.03.1998.

The above promotion shall be subject to the outcome of writ petition , if any, pending before any competent court of law.

**By order of the Government of Jammu and Kashmir**

**Sd/-**

**(Dr. Abdul Rashid)KAS**

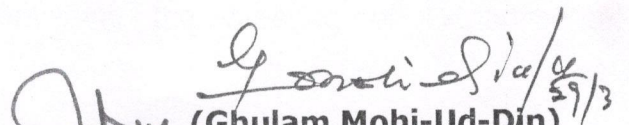
Commissioner/Secretary to the Government

No:- CAPD/Legal/33/2016

Dated:- 29.03.2019

**Copy to the:-**

1. Commissioner/Secretary to the Government, General Administration Department.
2. Chairman, Public Service Commission, J&K Jammu for information. This is with reference to his letter No.PSC/DPC/CAPD/84/2013 dated: 18.01.2019.
3. Director FCS&CA, Kashmir for information and necessary action.
4. Director, Archives, Archaeology and Museum , J & K Jammu.
5. OSD to the Advisor(G) to the Hon'ble Governor for information of the Hon'ble Advisor(G).
6. Smt Seema Khajuria Shekhar, Sr.AAG J&K Jammu for information with the request to kindly apprise to the Hon'ble High Court.
7. Private Secretary to the Commissioner/Secretary to the Government Department of Food, Civil Supplies and Consumer Affairs for information.
8. Petitioner for information and necessary action.
9. Incharge Website (w 3 S C)
10. Government order file.

  
**(Ghulam Mohi-Ud-Din)**  
Under Secretary to the Government