

GOVERNMENT OF JAMMU AND KASHMIR  
DIRECTORATE OF AGRICULTURE, JAMMU

ORDER No: 22-DAJ OF 2019  
DATED:-24-09-2019

Subject:- Promotion/Regularisation of Ms. Anshu Gupta as JAEO-reg.

**WHEREAS**, Ms. Anshu Gupta, initially appointed as 'Peon' in the pay scale of Rs. 2550-3200 (PR), on Compassionate grounds under SRO-43 of 1994, vide Director Agriculture Jammu's Order No.139/E of 1995, Dated 01-06-1995, was deputed as in-service candidate to pursue Basic Agriculture Training in SKUAST-J, vide permission of the Govt. in Agriculture Production Department, conveyed vide No. Agri-E/36/95/NG/A, Dated 28-07-1995 and Director Agriculture Jammu's Order No. Estt-95/5428-29, Dated 02-08-1995;

**WHEREAS**, she was again deputed as in-service candidate to pursue Bachelor's Degree Course in Agriculture (B.Sc. Agrl.) from SKUAST-J, during the session 1996-97, vide Govt. Order No.435/Agri of 1996, Dated 21-08-1996 and was relieved on 24-08-1996;

**WHEREAS**, the official during her deputation to SKUAST-J for pursuing B.Sc. Agrl. was promoted against the post of 'Gardner-cum-Operator'(GCO) carrying the pay scale of Rs. 2610-3540 (PR), in OPG vide Director Agriculture Jammu's Order No. 190/E of 1996, Dated 18-11-1996 and was subsequently regularized in terms of the recommendations of the Departmental Promotion Committee (DPC) as 'GCO' vide Director Agriculture Jammu's Order No. 118/E of 1997, Dated 29-05-1997;

**WHEREAS**, the official was again promoted as 'Agriculture Overseer' in the pay scale of Rs.3050-4910 (PR) on the basis of recommendations of the Division level DPC vide Director Agriculture Jammu's Order No. 362/E of 1999, Dated 26-11-1999;

**WHEREAS**, Ms. Anshu Gupta, after completing her B.Sc. Agrl. from SKUAST-J resumed her duties as 'Agriculture Overseer' on 14-09-2000 in the office of SDAO, R.S. Pura and was placed against the post of Junior Agriculture Assistant (JAA), carrying the pay scale Rs. 6500-10500 (PR), the post now re-designated as Junior Agriculture Extension Officer (JAEO), against clear vacancy in her own Pay and Grade, vide Govt. Order No. 285-Agri of 2001, Dated 24-12-2001 with charge allowance;

**WHEREAS**, her promotion as JAA/JAEO was further regularized in terms of the recommendations of the Divisional Departmental Promotion Committee vide Order No. 132/E of 2009, Dated 22-05-2009. However, she was regularized w.e.f 01-02-2009 instead of 24-12-2001, the later being the date since when she had been continuously holding the post of JAA/JAEO with charge allowance;

**WHEREAS**, Ms. Anshu Gupta, JAEO, aggrieved of having not been given retrospective regularization effect to her promotion as JAEO, approached the concerned authorities in the Department for considering her claim of regularizing her promotion w.e.f 24-12-2001 i.e., the date since when she has been holding the charge of the vacant post of JAEO with Charge Allowance. In her representation it was also pointed out that one Sh. Gulzar Mohammad, 'Khalasi', the post carrying the pay scale of Rs.2550-3200 (PR), three steps lower than the post of 'Agriculture Overseer' and far junior to her has been directly promoted as 'JAEO' w.e.f 27-06-2001 vide Govt. Order No. 154-Agri of 2001, Dated 27-06-2001 to the disadvantage of Ms. Anshu Gupta, who thus has been placed much below her junior Mr. Gulzar Mohammad in the tentative seniority list of JAEOs issued by the Administrative Department vide Circular Notification No. Agri/E-08(I)/2010-V(III), Dated 26-06-2013 and further shared with this

Directorate vide letter No. Agri/Gaz/Genl/196/2018, Dated 14-12-2018 for authentication before it could be finalized;

AND WHEREAS, the Administrative Department vide its letter No. Agri/NG/38/2001-Genl/1479, Dated 13-06-2017 has also asked this Directorate to take necessary action and submit ATR on two points which are reproduced hereunder:-

- i. *to fix the responsibility in respect of the officers/officials at the helm of affairs at that time when Shri Gulzar Mohd was promoted directly against the post of Jr. Agriculture Assistant leaving 4 levels behind, which was grave violation of recruitment rules;*
- ii. *to place the cases of Anshu Gupta and Sunil Singh, 'Agriculture Overseers' working in the grade of Rs. 3050-4910 (PR) before the DPC for their regularization/promotion as Jr. Agriculture Assistant now Jr. Agriculture Extension Officer in the pay scale of Rs. 6500-10500 (PR) now Rs. 9300-34800+GP4200 w.e.f 24-12-2001 i.e. the date when they have been placed as I/C JAA in their OPG ordered vide G.O. No. 285-Agri of 2001 Dated 24/12/2001."*

WHEREAS, after the cases of Ms. Anshu Gupta and Mr. Sunil Singh, 'Agriculture Overseers' having been put up before the DPC were referred to the Screening Committee of this Directorate to thoroughly examine all aspects of their proposed regularization as JAE0 w.e.f the date they have been placed as I/c JAE0 in their OPG leaving no scope of error;

WHEREAS, the said Screening Committee submitted its recommendation vide No. JDAE/Estt-Screening/2018-19/2171, Dated 30-08-2018, wherein, it has been recommended to accord approval to the regularization of Ms. Anshu Gupta as JAE0 w.e.f 24-12-2001, the date since when she has held the charge of the post in OPG with charge allowance so that the anomaly crept in due to the placement of a much junior candidate than Ms. Anshu Gupta, namely, Mr. Gulzar Mohd. as JAE0 w.e.f 27-06-2001 is removed in their inter-se seniority;

WHEREAS, after thorough examination of the case and due consideration of the recommendations of the Screening Committee, it has been observed as under:-

- i. That the promotions of Ms. Anshu Gupta, Mr. Sunil Singh and Mr. Gulzar Ahmed as JAA (now JAE0), the former two before promotion being then 'Agriculture Overseers' in the pay scale of Rs.3050-4910 (PR) and the later one before promotion being then 'Khalasi' in the pay scale of Rs.2550-3200 (PR), have been made by the Agriculture Production Department on the basis of 5% promotion quota for the officials of the Subordinate Service of the Department of any Class and Category below JAA/JAE0, who if possessed or acquired B.Sc. Agri. Degree could be promoted in order of their Class as JAA/JAE0. This provision existed in the Draft Non-Gazetted Service Recruitment Rules at the time these promotions were made which later came to be notified as the J&K Agriculture (Subordinate) Service Recruitment Rules, 2004 vide SRO-02 of 2004, Dated 02-01-2004 and is reproduced hereunder:

Schedule-II of SRO-02 of 2004				
Class	Category	Designation/Post	Min. qualification for Direct Recruitment	Method of Recruitment
II	A	Junior Agriculture Assistant	B.Sc. Agriculture from a recognized University	i) 60% by Direct Recruitment; ii) 35% by promotion from Class III, Category B and Class IV Category A with Matric and BAT/BHT training and having 5 years experience in that class; iii) <u>5% by promotion from any Class/ Category in order of class from amongst these having passed B.Sc</u>

Agriculture training. In case of non availability of B.Sc. Agriculture Graduates then the promotion from Class III Category B and Class IV, Category A with Matric Qualification and BA/BH training and having 5 years experience in that class.

- ii. That Mr. Gulzar Ahmed has been promoted as JAA/JAEO w.e.f 27-06-2001 from four levels below (i.e. from the post of 'Khalasi') by the Administrative Department as per the above mentioned provision of 5% promotion quota for the officials of any Class and Category having B.Sc. Agriculture Degree in order of their Class. Mr. Gulzar Mohd. possessed/acquired B.Sc. Agri. Degree before Ms. Anshu Gupta hence his promotion as JAA/JAEO from a date earlier than the promotion of Ms. Anshu Gupta is in line with the mentioned provision in the Service Recruitment Rules;
- iii. That, Ms. Anshu Gupta has a rightful claim of being regularized as JAA/JAEO w.e.f 24-12-2001 i.e. the date since when she has continuously performed the duties of JAA/JAEO in OPG with charge allowance; and
- iv. That Mr. Sunil Singh, JAEO has already left the service in Agriculture Department and has been re-appointed through JKPS in another Department.

**NOW THEREFORE**, in the above mentioned backdrop, it is hereby ordered that the promotion of Ms. Anshu Gupta as JAA/JAEO is regularized notionally w.e.f 24-12-2001 i.e. the date since when she was appointed as I/c JAA/JAEO in her own pay and grade.

The Administrative Department shall accordingly be requested to rectify her seniority in the final seniority list of JAEOs.

By Order.

Sd/-  
(P.S. Rathore) KAS  
Director Agriculture, -  
Jammu.

No:Agri/DAJ/Estt-01/2019-20/1088-93

Dated:24-09-2019

**Copy to the:**

1. Secretary to Govt. APD, J&K for information. This Order be treated as ATR in reference to letter No.Agri/NG/38/2001-Genl/1479, Dated 13-06-2017 of the Agriculture Production Department with the request to accordingly rectify the seniority position of Ms. Anshu Gupta, JAEO in the final Seniority List of JAEOs.
2. Chief Agriculture Officer, Jammu for information and necessary action.
3. Concerned Official for information.
4. PS to Director Agriculture, Jammu for information.
- ✓ 5. I/c Website, Directorate of Agriculture, Jammu for n/a.
6. Order/concerned file (w.2.s.c).

(B.D.Sharma) 24.09.2019.  
Dy. Director (Central)  
Dte. of Agriculture,  
Jammu.

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