

GOVERNMENT OF JAMMU & KASHMIR  
DIRECTORATE OF FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS  
KASHMIR

Sub: - Grant of retrospective effect to the promotion of Mr. Wali Mohammad Peer,  
retired Assistant Storekeeper R.No.2909

Ref: - Notification No.DFCS&CAK/Adm/B-X-25 dated 21.07.2022

**Order No.:- 559 - DFCS&CAK of 2022**  
**Dated:- 27-10-2022**

Whereas, Mr. Wali Mohammad Peer was brought on regular establishment w.e.f. 23.05.1985 as Depot Assistant in the pay level of Rs. 750-940 Pre-revised (revised 2550-3200);

Whereas, during the intervening night of 18/19 June 1988, the sale Centre Lachmanpora, Kulangam, Kupwara was gutted along with the foodgrains stored therein. Pending enquiry into the matter, the concerned I/c Assistant Storekeeper namely Mr. Wali Mohammad Peer was placed under suspension vide Order No. 56 DFSK dated 27.06.1988;

Whereas, the matter was enquired departmentally by the then Assistant Director Kupwara, who found the official responsible for the mishap and accordingly FIR No. 104/88 was lodged in the matter;

Whereas, the Superintendent of Police Kupwara vide No.CS/11/88/89-6716 dated 27.07.1989 reported that the case has been closed as untraced;

Whereas, the case also remained under correspondence with Administrative Department. Mr. Wali Mohammad Peer was reinstated vide Order No. 155-DFSK/1991 dated 22.06.1991 and the suspension period was treated as on duty and Rs. 77,937/- has been provisionally debited against Mr. Wali Mohammad Peer on account of cost of food grains damaged due to fire loss;

Whereas, the Administrative Department vide Government Order No.85-FST of 1993 dated 03.12.1993 accorded sanction to the creation of 322 posts of ASK cum Clerks in the pay scale of 950-1500 Pre-revised (revised 3050-4910) by corresponding reduction of 322 posts of Depot Assistants/Depot Assistant cum Clerks in the pay scale of 750-940 Pre-revised (revised 2550-3200) in Food & Supplies Department Kashmir and it was envisaged in the said order that these posts shall be filled up 100% by promotion from out of the Depot Assistant/ Depot Assistant cum Clerks having minimum academic qualification of matriculation on the basis of merit cum seniority;

Whereas, the case was placed/discussed in the DPC meeting dated 09.04.2022 and following decision was taken in this case:-

*"The DPC decided to re-examine the case administratively again after placing relevant records on file. The DPC also decided that the said case if found genuine, the concerned official be also cleared notionally from the date, his junior counterpart(s) has been cleared"*

Whereas, the Departmental Promotion Committee minutes /decision dated 19.01.1998, revealed that Mr. Wali Mohammad Pir was figuring at S.No.90 with decision recorded against him as under:-

*"Cleared for upgradation, orders may be issued after sanction to the writing off of Govt loss is accorded by the Govt"*

Whereas, the Departmental Promotion Committee minutes/decision dated 19.01.1998, further revealed that the officials who were figuring among the prospective candidates from S.No.94 onwards namely Mr. Mohd Abdullah Dar R.No. 2938 & Farooq Ahmad Khan R.No. 3322 etc i.e. officials Junior to Mr. Wali Mohammad Peer (as per seriatim of DPC minutes dated 19.01.1998) have been cleared by said DPC w.e.f. 09.04.1998 and have also been granted retrospective effect w.e.f. 09.12.1993 which was forthcoming from the seniority list of Assistant Storekeeper cum Clerks finalized vide Order No.99-DCAPDK of 2005 dated 29.11.2005, wherein date of appointment of Mr. Mohd Abdullah Dar R.No. 2938 & Farooq Ahmad Khan R.No. 3322 in the present grade (as ASKs) has been recorded as 09.12.1993 appearing at Seniority No. 589 & 590 respectively;

Whereas, Mr. Wali Mohammad Peer has also been promoted as ASK w.e.f. 02.04.1998 vide order No. 437 DFSK of 1999 dated 12.01.1999, however the benefit of retrospective effect to his promotion as ASK w.e.f. 09.12.1993 has not been granted;

Whereas, Mr. Wali Mohammad Peer represented before this office for writing off the debit raised against his personal account on account of the fire incident, and accordingly this office took up the matter with Administrative Department particularly vide this letter No. DCAPDK/Adm/SH-Kup/407 dated 11.07.2007 (flag E) and letter No. DCAPDK/Adm/SH-407 dated 16.02.2008;

Whereas, the provisionally debited amount of Rs.77,937/- against him on account of fire loss has been kept withheld from his DCRG as the said amount is yet to be written off by the Govt (Administrative Department), while as the other terminal benefits stands granted/released in his favour by the department;

Whereas, Mr. Wali Mohammad Peer retired from the services w.e.f. 31.03.2010 and the official approached the Hon'ble Court through the medium of SWP No. 1398/2008 and the Hon'ble High court vide judgment dated 29.06.2020 issued following directions: -

*"During pendency of the instant contempt petition, the incumbent-respondent have changed their position either on account of retirement or transfer to some other office, as such, no useful purpose can be achieved by keeping the instant contempt pending, therefore, the same is disposed of giving liberty to the petitioner to approach the present incumbent with a copy of order of this court, subject matter of the contempt petition, for seeking implementation of the same, of course, in case same has remained unimplemented so far. Further, in the event, petitioner, after availing the aforesaid liberty is still dissatisfied as regards the implementation of the Directions of this court, he shall be at liberty to file appropriate proceedings for implementation of the same in accordance with the law"*


Whereas, before seniority of Mr. Wali Mohammad Peer, R.No. 2909 is re-fixed at 588/B i.e. below Mr. Ghulam Mohammad Dar, R.No.2940 and above Mr. Mohd Abdullah Dar R.No. 2938 in the seniority list of Assistant Storekeeper cum clerks finalized vide Order No.99-DCAPDK of 2005 dated 29.11.2005, a notification was accordingly issued for inviting objections, if any, from the concerned officials of this department within a period of (15) fifteen days from the date of issuance of this notification;

Whereas, the notification No.DFCS&CAK/Adm/B-X-25 dated 21.07.2022 was given wide publicity both through print and electronic media (Departmental website);

Whereas, no objection was received within the stipulated time period, besides, till date;

Now, therefore, in view of above, it is hereby ordered that the seniority of Mr. Wali Mohammad Peer, ASK, R.No.2909 shall be deemed to have been re-fixed at S.No.588/B i.e. below Mr. Mohammad Muzaffar Jan, R.No.3370 (Sty No.588), Mr. Ghulam Mohammad Dar, R.No.2940 (Sty. No.588/A re-fixed vide Order No.551-DFCS&CAK of 2022 dated 19.10.2022) and above Mr. Mohd Abdullah Dar, R.No.2938 (Sty. No.589) in the seniority list of Assistant Storekeeper cum clerks finalized vide Order No.99-DCAPDK of 2005 dated 29.11.2005.

This is, however issued subject to outcome of writ petitions, if any, pending before any Hon'ble Court of law.

  
Director,  
Food, Civil Supplies & CA Deptt.,  
Kashmir

No.: - DFCS&CAK/Adm/B-X-25

Dated: - 27 -10-2022

Copy to the:-

1. Joint Director FCS&CA Department, Kashmir for information.
2. Chief Accounts Officer/All Deputy Directors/All Assistant Directors FCS&CA Department Kashmir for information and necessary action.
3. In-charge Departmental Website - FCS&CA Department Kashmir, for information and necessary action.