

**Government of Jammu and Kashmir  
Animal/Sheep Husbandry & Fisheries Department  
Civil Secretariat, Jammu**

Subject: Regularization of Joint Director(s) of J&K Fisheries Department-Revision of dates thereof.

- Ref.: (i) Letter No. PSC/DPC/19/ASH/2010 dated 01.08.2019, received from Secretary, J&K Public Service Commission.
- (ii) Letter No. PSC/DPC/19/ASH/2020 dated 01.12.2020, received from Secretary, J&K Public Service Commission.

**Government Order No. 28 -ASH of 2021  
Dated : 09.02.2021**

WHEREAS, on the recommendations of the J&K Public Service Commission/ Departmental Promotion Committee, the following Incharge Joint Director(s) of Fisheries Department were regularized/promoted as Joint Director(s) vide Government Order No. 119-ASH of 2019 dated 05.09.2019:-

S. No.	Name of the officer	Date of promotion as Joint Director
01.	Mr. Shanti Saroop Sharma	Prospectively
02.	Mr. Irshad Ahmad Shah	Prospectively

2. WHEREAS, both the officers have represented before the Director, Fisheries, J&K, seeking revision of dates as Joint Director(s) w.e.f 12.09.2017 and 28.03.2018 respectively, i.e the date where from they have assumed the charge of the post of Joint Director(s). The Director, Fisheries vide Letter No. DF/Adm/318/1154 dated 20.11.2019, have recommended for their regularization as Joint Director(s) w.e.f 12.09.2017 & 28.03.2018 respectively.

3. WHEREAS, on the recommendations of Director, Fisheries, J&K, the case was further examined in the department and it has been observed that vide Government Order No. 123-ASH of 2017 dated 12.09.2017, Mr. Shanti Saroop Sharma, the then CPO, RFFDA, Jammu, was transferred and posted against the vacant post of Joint Director, (Territorial) Jammu, along with additional charge of the post of CPO,





RFFDA, Jammu, and vide Government Order No. 71-ASH of 2018 dated 28.03.2018, Mr. Irshad Ahmad Shah, the then CPO, RFFDA, Kashmir was transferred and posted as Incharge Joint Director Fisheries (Projects) Jammu, being vacated by Mr. K.K. Khajuria on his retirement on 31.03.2018, without any mention of their higher placement (OPG). Though both the officers were eligible for placement as Incharge Joint Director(s) as per the Jammu and Kashmir Fisheries (Gazetted) Service Recruitment Rules, 2009 notified vide SRO 172, dated 24.06.2009.


4. WHEREAS, vide this department's letter No. ASH/Fish/13/2012-III dated 10.06.2020, the instant case of the officers was forwarded to the J&K Public Service Commission for its placement before the DPC for revision of date(s) of regularization.

5. WHEREAS, the J&K Public Service Commission vide Letter No. PSC/DPC/19/ASH/2020 dated 01.12.2020, have observed as under:-

*"That all the facts and relevant orders of the incumbents were taken into account by the DPC/PSC in its meeting held on 12.06.2019, and consciously recommended the prospective regularization of the incumbents as Joint Director, Fisheries based on the fact that no proper placement orders of the officers were issued by the department as per Article 85(3) of CSR and the officers were never placed on incharge capacity in their own pay and grade.*

*However, if the department still wants regularization of the officers from the dates they were holding the higher posts by way of transfer order and in order to sort out the grievances of the officers, the department is required to issue a detailed speaking order confirming them to be deemed to have been placed on OPG basis from the dates they were transferred to the higher posts subject to the fulfilling of conditions as laid down in Article 85(3) of CSR.*

6. WHEREAS, both the officers were eligible for higher placement as Incharge Joint Director(s) on (OPG) basis as per the rules governing their service/cadre, posts were also available on which they have worked all along. The General Administration Department vide Government Order No. 743-GAD of 2007 dated 28.06.2007, in a case titled Suraj Prakash Gupta Vs State & Others- Streamlining the cadre





management of Gazetted and Non-Gazetted Service, has issued following guidelines:-

*"Promotion of a Government employee shall take effect from the date, he has been formally put in-charge of the higher post subject to his eligibility in accordance with the recruitment rules and availability of the vacancy. His clearance/ regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, whichever is later. In all other cases, the promotion of a Government employee to the next higher post shall take effect from the date of issuance of the order".*

7. NOW THEREFORE, in view of the observations of J&K PSC/DPC and the guidelines issued by the General Administration Department vide Government Order No. 743-GAD of 2007 dated 28.06.2007, it is hereby ordered that, in pursuance of Article 85(3) of J&K CSR, the following officers of J&K Fisheries Department shall be deemed to have been placed as Incharge Joint Director(s) from the date(s) mentioned against each, i.e the date from which they have been transferred/occupied the vacant post(s) of Joint Director(s):-

S. No.	Name of the officer	Date of placement as Incharge Joint Director
01.	Mr. Shanti Saroop Sharma	12.09.2017
02.	Mr. Irshad Ahmad Shah	01.04.2018

By order of the Government of Jammu and Kashmir.

Sd/  
(Navin K. Choudhary), IAS,  
Principal Secretary to the Government,  
Animal/Sheep Husbandry & Fisheries Department.

No. ASH/Fish/13/2012-III

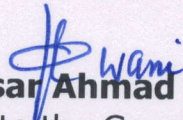
Dated: 09.02.2021

Copy to the:-

1. Joint Secretary (JK), Ministry of Home Affairs, Government of India, New Delhi.



2. Director Fisheries, Jammu and Kashmir.
3. Director Archives, Archaeology and Museums, J&K, Jammu.
4. OSD to Advisor (B) for information.
5. Concerned.
6. Private Secretary to Principal/ Secretary to the Government, Animal/ Sheep Husbandry & Fisheries Department.
7. Incharge website, Animal/Sheep Husbandry & Fisheries Department.
8. Government Order / Stock file (s) (w.2.s.c).

  
**(Nissar Ahmad Wani),**  
Under Secretary to the Government,  
Animal/ Sheep Husbandry Department.

