



**Government of Jammu & Kashmir**  
**Forest Department, Civil Secretariat**

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Subject : Hon'ble High Court direction in SWP No. 1519/2013 dated 16.07.2013 titled Shri Brij Raj Singh Vs State of Jammu and Kashmir & Ors.

Govt. Order No. **349** - FST of 2013  
D a t e d : **20** - 09 - 2013

Whereas, Shri Brij Raj Singh, retired Deputy Conservator of Forests, filed a writ petition in the Hon'ble High Court praying for release of Selection Grade in his favour; and

Whereas, the Hon'ble High Court passed a direction in SWP No. 1519/2013 dated 16.07.2013 titled Shri Brij Raj Singh Vs State of Jammu and Kashmir & Ors. The operative part of the court order is reproduced hereunder: -

*".... with the consensus of learned counsel appearing for the parties, I deem it proper to dispose of the writ petition with a direction to the respondents to consider the case of petitioner for granting him the selection grade in the light of avernments made in the writ petition and make a decision within a period of six weeks from the date a copy of the order is served upon them alongwith a copy of this writ petition and the documents annexed thereto. It goes without saying that if the order goes against the petitioner, he would be at liberty to challenge the same, if so advised."*

Whereas, the case has been examined in the Forest Department in compliance to the above directions of the Hon'ble High Court; and

Whereas, available records reveal that Shri Brij Raj Singh, has been promoted as Deputy Conservator of Forests w.e.f. 01.11.2005 vide Govt. Order No. 556-FST of 2007 dated 14.11.2007 and the officer retired on 30.06.2008 after attaining the age of superannuation; and



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Whereas, in terms of the J&K Forest (Gazetted) Service Recruitment Rules, 20% of the DCF posts have to be in the Selection Grade and as per the instructions issued by the GAD on the subject vide their No. 27-GAD of 1991 dated 27.08.1991, the number of 20% posts for the Selection Grade have to be calculated on specific duty posts only; and

Whereas, the number of duty posts of DCFs is 43 and on the basis of the above rule position and instructions of GAD, 20% of the posts of DCFs for release of Selection Grade comes to 8.6 i.e., 9, which means that 9 posts of DCFs shall have to be in the Selection Grade at a given point of time.

Whereas, in the Selection Committee Meeting held on 21.12.2010 for release of Selection Grade in favour of the DCFs, only 6 clear vacancies of DCF Selection Grade were available at that point of time, as three officers viz; Shri Javid Hussain Andrabi, Zahoor Ahmad Jan and G.S. Kirmani were already holding the Selection Grade. Thus, in the said meeting, the DCFs were considered for release of Selection Grade against 6 clear and the resultant vacancies. Following 12 officers were cleared for release of Selection Grade by the Selection Committee and orders for release of Selection Grade were issued in their favour vide Govt. Order No. 40 – FST of 2011 dated 02.02.2011: -

Sr. No.	Name of the officer S/Shri	Date of promotion as DCF	Date from which Selection Grade release
1)	V. P. Bhagat (SC)	10.08.1999	01.01.2005
2)	B. A. Qureshi	20.09.2000	01.01.2005
3)	R.A. Qazi	09.11.2000	01.01.2005
4)	Mohd Sidiq Rather	09.11.2000	01.01.2005
5)	Ghulam Ahmad Malik	09.11.2000	01.01.2005
6)	P. N. Pandita	09.11.2000	01.01.2006
7)	Syed Altaf-ur-Rehman	09.11.2000	01.01.2006
8)	Ali Mohammad Dar	01.11.2001	01.09.2006
9)	Abdul Rashid Mir	01.11.2001	01.05.2007
10)	S. Harmohinder Singh	01.11.2001	12.08.2010
11)	S. A. Choudhary (ST)	01.09.2005	01.01.2011
12)	Shiban Lal Koul (Babu)	01.11.2005	01.01.2011

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Whereas, though the vacancies of Selection Grade had arisen w.e.f 01.01.2001 and onwards, but the effect to the release of Selection Grade in favour of the above officers was given w.e.f. 01.01.2005 and onwards in view of the fact that their senior viz; Shri A.R. Kakroo was granted Selection Grade from the year 2005. As such, his juniors were given the effect on and after that date; and

Whereas, Shri Brij Raj Singh was promoted as DCF w.e.f. 01.11.2005 and as can be seen from above, the officers upto the Sr. No. 11, who were given Selection Grade vide Govt. Order No. 40 - FST of 2011 dated 02.02.2011 as also referred to by Shri B.R.Singh in his writ petition, were all senior to him. The senior of Shri Brij Raj Singh viz; S.A Choudhary has been given the vacancy of Selection Grade w.e.f. 01.01.2011 caused due to retirement of Shri B.A. Qureshi in 03/2009. Shri Brij Raj Singh had already retired on 30.06.2008 i.e., before the occurrence of vacancy; and

Now, therefore, in view of the foregoing reasons, the case of Shri Brij Raj Singh for release of Selection Grade having been considered in compliance to the Hon'ble High Court order dated 16.07.2013 and found devoid of merit, is disposed of as 'not maintainable'.

By order of the Government of Jammu and Kashmir.

Sd/-

(Sheikh Ejaz Iqbal) IAS  
Commr./Secretary to Government  
Forest Department

No.FST/Lit/G/184/2013

Dated: 20 - 09 -2013

Copy to the: -

- 01) Principal Chief Conservator of Forests, J&K, Srinagar.
- 02) Officer on Special Duty (OSD) with the Hon'ble Minister for Forests.
- 03) Shri V. Bhushan Gupta, Advocate J&K High Court, Jammu, 127/16, Patel Nagar, Talab Tillo. This is with reference to his reference dated 29.09.2013.

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- 04) Private Secretary to Commissioner/Secretary to Govt., Forest Department.
- 05) Shri Brij Raj Singh, retired Deputy Conservator of Forests.
- ✓ 06) P.A. to Additional Secretary to Govt., Forest Department.
- 07) Govt. Order file/Stock file.

  
20/09  
(Ishtiaq Ahmad)  
Under Secretary to Government  
Forest Department

