



Government of Jammu and Kashmir
ARI and Trainings Department
Civil Secretariat, J&K

- Subject: Appointment of "Driver" in the ARI & Trainings Department, Divisional Cadre Kashmir, advertised by the JKSSB vide Notification No. 05 of 2020 dated 24.12.2020, under Item No.164.
- Reference: (i) J&K Service Selection Board's recommendation letter No. JKSSB/Scry/7/2023-03 (E-7259835) dated 11.01.2024.
- (ii) General Administration Department's U.O No. GAD-CORD/84/2024 dated 25.07.2024.
- (iii) Satisfactory character and antecedents report received from the Special Director General, CID, J&K vide Form No. 109545 dated 03.08.2024.

Government Order No. 43-JK (ARI &Trgs) of 2024
Dated: 20.11.2024

Whereas, the Department vide letter No. ARI/SP/14/2024 dated 29.09.2020 referred necessary indents to the Jammu and Kashmir, Service Selection Board for recruitment/selection of various posts including the post of driver (01); and

Whereas, In the meantime, the Department of erstwhile Stationery & Office Supplies, J&K has been winded up vide Government Order No. 15-JK (ARI & Trgs) of 2022 dated 27.06.2022 pursuant to the Administrative Council Decision No. 78/6/2022 dated 08.06.2022; and

Whereas, the Jammu and Kashmir Service Selection Board vide letter No. JKSSB-Scry/7/2023-03 (E-7259835) dated 11.01.2024 had forwarded the necessary select list along-with recommendation for selection of appointment of Driver; and

Whereas, As per the said select list, Sh. Hilal Ahmad Badyari, S/o Mehraj-ud-Din Badyari R/o House No. 71, Ward No. 04, Hallmulla, Bijebhehera, Anantnag was selected as Driver under OM category under item No. 164, Kashmir Division; and


Whereas, formal appointment orders could not be issued due to the winding up of the Department of Stationery & Office Supplies, J&K and accordingly, the matter was taken up with the General Administration Department for necessary advice/suggestion. In turn, the General Administration Department has returned the file vide U.O No. GAD-MTGORBIV/38/2024-09-GAD (E-7407274) dated 06.03.2024 with the following suggestions:

"Returned: *The matter has been examined in the department and it has been observed that the ARI & Trainings Department ought to have withdrawn the indent from JKSSB immediately as a sequel to Government Order No. 15-JK (ARI & Trgs) of 2022 dated 27.06.2022 whereunder Directorate of Stationery and Office Supplies, J&K has been winded-up. However, in order to rectify the oversight made by the ARI & Trainings Department and to provide the candidate with the opportunity he has earned through the defined regular process of recruitment conducted by JKSSB, the department is advised to consider appointment of Mr. Hilal Ahmad Badyari, S/o Mehraj ud Din Badyari R/o House No. 71 Ward No. 04, Hallmulla, Bijebehera, Anantnag against the post of Driver under OM category recommended by the Services Selection Board conveyed vide No. JKSSB-PLAN/25/2022-03 dated 10.03.2023, against an available vacant post under direct recruitment quota in any other subordinate office of the Administrative Department, with the prior approval of the competent authority".*


Whereas, the Department vide letter No. ARI-Gen/2/2024-01 dated 15.03.2024 taken up the matter with Government Press Jammu/Srinagar and requested to provide the details of the posts of Driver in Direct Recruitment Quota in their office which may be vacant and are not referred to the recruiting agencies and is free from all encumbrances for considering the appointment of the selected/recommended candidate, in case no post of Driver is vacant, the post in identical pay scale may be identified; and

Whereas, both the General Managers have intimated this department that no post of Driver is available either at Ranbir Government Press, Jammu or Government Press, Srinagar. However, General Manager, Government Press, Srinagar vide letter No. GPS/Estt/358/24 dated 26.03.2024 has identified one post of Assistant Operator in the Identical Pay Level -2 (19900-63200) and not been referred to any agency; and

Whereas, the matter has again taken up with the General Administration Department vide OM No. ARI-Gen/2/2024-01 (7394124) dated 12.04.2024 with the request to allow the department to consider appointment of the selected candidate as Assistant Operator in the Pay Level-2 (19900-63200) on exceptional grounds, as by and large the incumbent meets the laid down eligibility criteria; and

 **Whereas,** the General Administration Department vide OM No. GAD-MTG0RBIV/38/2024 dated 03rd May, 2024, has returned the Departmental proposal and advised as under:

".... and to convey that the department may consider the creation of one post of Driver in Government press Srinagar by corresponding abolition of one available vacant post of Assistant Operator, after seeking concurrence of Finance Department. Consequent the said action, the Department may submit a coordination proposal for consideration of the competent authority for appointment of the Mr.



Hilal Ahmad, Badyari, S/o Mehraj ud Din Badyari R/o House No. 71 Ward No. 04, Hallmulla, Bijebehera, Anantnag against the post of Driver in Govt Press Srinagar having regard to the fact that the said candidate is to be appointed in another sub-ordinate office/department which will be in contrast to the original department recommended by the JKSSB i.e. Stationery & Office Supplies."

Whereas, the matter was accordingly taken up with the Finance Department for concurrence to the **creation of one** post of Driver in the Pay Level-2 (19900-63200) in Government Press Srinagar by **corresponding abolition** of one post of "Assistant Operator", in the Pay Level-2 (19900-63200) for the purpose of appointment of the selected candidate as Driver in the Government Press Srinagar; and

Whereas, the Finance Department returned the departmental file vide U.O FD-Code/20/2022-02-Part (2)-106 dated 21.05.2024 has concurred the departmental proposal as under:

"The Finance Department conveys in principal approval for creation of one post of driver by corresponding reduction of the post of Assistant Operator in Government Press, Srinagar for appointment of the candidate recommended by Service Section Recruitment Board, after seeking opinion of the Law Department regarding legality of such appointment, subject to the following conditions:

- i. *The post shall be created in the applicable Pay level as prescribed in the Service Recruitment Rules governing the service.*
- ii. *The department shall amend the recruitment rules accordingly.*
- iii. *The Department shall ensure that the post proposed for abolition is vacant and exist in recruitment rules of the department.*
- iv. *The Order shall be issued with the approval of the Competent Authority.*

Further, the department shall ensure that any post of erstwhile Stationery & Office Supplies, J&K referred to the recruitment agencies prior to abolition, against which selection has not been made as yet, is immediately withdrawn."

Whereas, the matter was taken up with the Department of Law, justice & Parliamentary Affairs for their opinion with regard to legality of the proposal, and in return the Department of Law, justice & Parliamentary Affairs returned the Departmental file vide U.O No. LAW-Ser2/19/2024(7488276) dated 11.06.2024 with the following advice;

"Department is advised that the concurrente of the Finance Department with regard to the proposal for creation of one post of driver by corresponding reduction of the post of Assistant Operator in Government Press appears to be a viable option as the Department in their noting have specifically mentioned that the said post of Assistant Operator is redundant and is no more required, and as such there appears to be no legal

impediment in considering the appointment of the said incumbent against the said post".

Whereas, sequel to the concurrence of the Finance Department coupled with the advice of the Department of Law, Justice and PA, the ARI & Trainings Department submits following draft resolution to the Hon'ble Lieutenant Governor, J&K through the Chief Secretary in coordination for consideration and approval.

"Sanction is hereby accorded to the":

- 1. Creation of one post of Driver in the Pay Level-2 (19900-63200) by corresponding reduction of the post of Assistant Operator in the Pay Level-2 (19900-63200) in the Government Press, Srinagar.*
- 2. Consequent upon the aforesaid creation, appointment of Sh. Hilal Ahmad Badyari, S/o Mehraj-ud-Din Badyari R/o House No. 71, Ward No. 04, Hallmulla, Bijebehera, Anantnag as Driver in the Pay Level-2 (19900-63200) in Government Press Srinagar.*

Whereas, in turn the General Administration Department vide U.O. No. GAD-CORD/84/2024 dated 25.07.2024 returned the Departmental file and conveyed the approval of the competent authority (Hon'ble Lieutenant Governor) to the Departmental proposal as under:

1. Creation of one post of Driver in the Pay Level-2 (19900-63200) by corresponding reduction of the post of Assistant Operator in the Pay Level-2 (19900-63200) in the Government Press, Srinagar.
2. Consequent upon the aforesaid creation and his selection by the J&K Service Selection Board, appointment of Sh. Hilal Ahmad Badyari, S/o Mehraj-ud-Din Badyari R/o House No. 71, Ward No. 04, Hallmulla, Bijebehera, Anantnag as Driver in the Pay Level-2 (19900-63200) in Government Press Srinagar subject to the fulfillment of all pre-requisite conditions as per the extant rules.

Whereas, as per extant procedure, the Department filled the CID verification Roll of **Sh. Hilal Ahmad Badyari, S/o Mehraj-ud-Din Badyari R/o House No. 71, Ward No. 04, Hallmulla, Bijebehera, Anantnag** on the Employee Verification Portal for seeking CID clearance or otherwise; and

Whereas, Criminal Investigation Department, J&K vide Form No. 109545 dated 03.08.2024 from concerned agency, wherein it was certified that as per the Index/Reports of Field Agencies there is **nothing adverse** against candidate; and

Whereas, meanwhile the Department received complaint against the selected candidate namely Mr. Hilal Ahmad Badyari S/o Mehraj-ud-Din Badyari R/o Hallmulla, Bijebehera, Anantnag R/o Noorpora, Awantipora, Pulwama for

possessing qualification higher than the required for the post of Driver i.e. (Minimum Matric and Maximum 10+2); and

Whereas, the said complaint was examined in the department in consultation with the General Administration Department and J&K, Service Selection Board and it was observed that as per the J&K Stationary and Office Supplies Rules notified vide SRO 365 dated 19.10.2007, the method of recruitment for the post of driver provides as under:

"Matric with valid Hill Driving License from Competent authority"

Whereas, further the Rule-3 of Jammu and Kashmir Appointment to Class-IV (Special Recruitment) Rules, 2020 provides as under:-

Application of Rules.—these rules shall apply to all Class IV posts borne on the establishment of any department or service of the Government or any Government Company, Organization, and Body specifically owned or controlled by the Government and, for which the Accelerated Recruitment process is to be adopted as may be notified by the Government from time to time.

Whereas, in light of the aforesaid rule position, the clause of higher qualification cap do not appear to be attracted in the instant case and is restricted to the Class-IV posts only; and

Whereas, the opinion of Secretary (Law), ARI & Trgs was also sought in the matter, who opined as under:

"That the relevant recruitment rules are the special rules for appointment and promotion to a particular service, therefore, ordinarily there should not be any deviation from them and even in case of any confusion Special Rules will always prevail."

Now therefore, in light of the position referred heretofore and consequent upon the approval of the Competent Authority, sanction is hereby accorded to the:-

- i. Creation of one post of Driver in the Pay Level-2 (19900-63200) by corresponding reduction of the post of Assistant Operator in the Pay Level-2 (19900-63200) in the Government Press, Srinagar; and
- ii. Consequent upon the aforesaid creation and his selection by the J&K Service Selection Board, temporary appointment of Mr. Hilal Ahmad Badyari S/o Mehraj-ud-Din Badyari R/o House No. 71, Ward No. 04, Hallmulla, Bijebheera, Anantnag as "Driver" in the Pay Level-2 (19900-63200) in the Government Press, Srinagar subject to the fulfilment of all prerequisite conditions as per the extant rules and also the following conditions:

The appointee shall report to the General Manager, Government Press, Srinagar within a period of 21 days from the date of issuance of this Order. If the candidate fails to join within the stipulated time, he shall forego his right to appointment and the same shall be deemed to have been cancelled *ab-initio* without any further notice.

The appointee shall be allowed to join only on the production of the following certificates (in original) to be verified subsequently:

- i. Academic/Technical Qualification Certificates.
- ii. Matriculation/Date of Birth Certificate.
- iii. Health Certificate from the concerned Chief Medical Officer of the District.
- iv. Domicile Certificate issued by the Competent Authority.
- v. Valid relevant Category Certificate, if any applicable.

The appointment of the above candidate shall further be subject to the following conditions:

- a. The appointee shall furnish an undertaking in the shape of an affidavit as per **Annexure-A** to this order.
- b. That if the appointee/candidate has taken loan for self-employment from DIC/Employment Department, to be ascertained from the District Industries Centre (DIC) and District Employment & Counseling Centre of the domicile District, he/she shall relinquish the proprietorship of unit/enterprise and also stakes, if any, in such self-employment unit/enterprise before joining the Government service, he shall be required to repay the entire loan liability in suitable EMIs to be worked out by the DDO concerned from his salary. DDO concerned shall obtain an affidavit from the concerned appointee regarding both relinquishment of proprietorship and stakes, if any, in such a self-employment unit/enterprise and recovery to be made and also personally monitor its recovery.
- c. The salary of the appointee shall not be drawn and disbursed to him unless the satisfactory report in respect of genuineness of Qualification/Date of Birth/Relevant Category certificate, if any, received from the concerned Authorities.
- d. The appointee shall be on probation for a period of two (02) years.
- e. The appointment of the candidate shall be governed by the "New Pension Scheme" as notified vide SRO-400 of 2009 dated 24.12.2009.
- f. The appointment of the above candidate shall be deemed to have been cancelled if, at any stage, it emerges that the certificates/testimonials produced by the candidate are fake or forged and legal action may also be initiated against the candidate.

- g. The seniority of the appointee/candidate shall be regulated under J&K Civil Service (Classification, Control and Appeal) Rules, 1956.
- h. The appointment of the above appointee shall be subject to the outcome of writ petition(s), if any, pending before Competent Court of law.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shabnam Kamili) JKAS

Secretary to the Government

No: ARI-Gen/2/2024-01-ARI (7394124)

Dated: 20.11.2024

Copy to the:

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (Jammu, Kashmir and Ladakh), Ministry of Home Affairs, Government of India, new Delhi.
3. Commissioner/Secretary to the Government, General Administration Department.
4. Secretary, J&K Service Selection Board.
5. Director, Archives, Archaeology & Museums, J&K.
6. OSD to Hon'ble Minister, ARI & Trainings Department.
7. General Manager, Government Press, Srinagar.
8. Private Secretary to the Chief Secretary, J&K.
9. PS to Secretary to the Government, ARI & Trainings Department.
10. Mr. Hilal Ahmad Badyari S/o Mehraj-ud-Din Badyari R/o House No. 71, Ward No. 04, Hallmulla, Bijebhehera, Anantnag.
11. In-charge Website, ARI.
12. Government Order file.

(Mohammad Arshad Jan)

Under Secretary to the Government

**Annexure-A to Government Order No. 43-JK(ARI & Trgs) of 2024 dated
20.11.2024**

Affidavit

I _____ S/o, Shri _____ R/o
_____ Aadhaar No. _____ do hereby undertake as under:

1. That, if on verification, my Qualification/Date of Birth/Reserved Category Certificates/Technical Certificate from the concerned issuing authorities is found fake/forged, my appointment as Driver in the J&K Press (Subordinate) Service shall be deemed to have been cancelled *ab-initio*.
2. That, I have no criminal records and do not face any criminal proceedings in any Court of Law. If this is found to be incorrect, I shall be liable for removal from the provisional appointment as Driver in the J&K Press (Subordinate) Service;
3. That, in case any statement as at (1) & (2) above is proved to be false, I shall be liable for disciplinary proceedings under law.

Deponent

Verification:

The averments mentioned herein above are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Deponent