

Government of Jammu and Kashmir
Labour & Employment Department
Civil Secretariat, Jammu/Srinagar

Subject:- Contempt Petition in the O.A. No. 765/2022 titled Shabnum Arif Mir VS
UT of J&K & others.

Reference: Director Employment J&K letter number Diremp/Estt/S-98/2009/1256
dated 20-12-2022

GOVERNMENT ORDER No. 10 L&E of 2023
DATED:- 07. 02.2023

WHEREAS, amongst others, Mrs. Shabnum Arif Mir was appointed as Junior Employment Officer in the Employment Department in the year 2009 vide Order No. 157-ED of 2009 dated 14.09.2009; and

WHEREAS, vide Government Order No. 36-L&E of 2012 dated 18.04.2012 Employment Officers Mrs. Shabnum Mir, Sulakshana Thakur and Mr. Naresh Kumar were ordered to look after the work of the post of Assistant Director Employment in view of shortage of officers at the level of Assistant Director under promotion quota, though they were not eligible for the same in light of existing Recruitment Rules. Consequent to that, additional charge of Assistant Director Employment, DE&CC, Bandipora was assigned to Mrs. Shabnum Arif Mir in addition to her own duty; and

WHEREAS, she was transferred to DE&CC, Kupwara vide Government Order No. 77- L&E of 2018 dated 18.12.2018 and continued till 28.07.2022; and

WHEREAS, a complaint was made against her alleging Corruption charges against her; and

WHEREAS, a factual enquiry was conducted in the matter through Mr. Rouf Rehman, JKAS the then Deputy Director DE&CC. Srinagar; and

WHEREAS, the inquiry Officer submitted his report acquitting her of the allegations; and

WHEREAS, vide Government Order No. 23-L&E of 2022 dated 28.07.2022 she was transferred and posted as Employment officer in the substantive post she was holding, and

WHEREAS, she filed a case before the Hon'ble Central Administrative Tribunal at Srinagar vide O.A no. 765/2022; and



WHEREAS, Hon'ble Central Administrative Tribunal Court vide its Order dated 04.08.2022 ordered as under:-

"In view of the limited prayer made by learned counsel for the applicant, the OA is disposed of at the admission stage itself with a direction to the respondents to consider the contents of this OA as representation of the applicant and pass a reasoned and speaking order as expeditiously as possible and in any case within three weeks from receipt of a copy of this Order. Till then, the applicant shall not be disturbed from the current place of posting, if not already relieved. We have not entered into the merits of the case. OA No.765/2022 stands disposed of accordingly".

WHEREAS, she had filed contempt petition before the Hon'ble Central Administrative Tribunal Court at Srinagar ordered as under: -

"The present Contempt Petition has been filed for the alleged non compliance of the order of this Tribunal dated 04.08.2022 passed in O.A No. 765/2022.

"Issue notice to the respondents Mr. Waseem Gul, Learned Counsel accepts notice. He seeks and is granted four weeks time to file compliance affidavit."

WHEREAS, draft of revised Jammu and Kashmir Employment (Gazetted) Service Recruitment Rules framed by the department are under process in General Administration Department; and

WHEREAS, as per draft revised Jammu and Kashmir Employment (Gazetted) Service Recruitment rules the method of Promotion to the post of Employment has been proposed as under, after due examination of promotion opportunities: -

- i. 50% by (GAD/PSC) through Combined Competitive Examination.
- ii. 25% by promotion from Employment Officers having at least 5 years substantive services in the promotion from J8K Employment (subordinate)] services .
- iii. 25% from Career Counseling having at least 5 years substantive services in

WHEREAS, under category (ii) of the Employment officers for promotion, eligible officers who have completed five (05) years of service are (i) Mrs. Sulakshana Thakur and (ii) Mr. Naresh Kumar and (iii) Mrs. Shabnum Arif Mir; and

WHEREAS, in the interest of administration and for smooth functioning of the department, Employment Officers Mrs. Sulakshana Thakur and Mr. Naresh Kumar are also assigned to look after the work of office of Assistant Director Employment in DE&CC, Samba and DE&CC, Kathua respectively



WHEREAS, the charge of office of Assistant Directors of Employment in many districts of the UT has been assigned to officers in addition to their own duties for several administrative reasons and Ms Shabnum Mir was also assigned the look after charge on the same line and is not a matter of right;

WHEREAS in light of the proposed provisions under draft revision of the Recruitment Rules and recommendations of the Director Employment J&K, in view of the acquittal of Shabnum Mir from the charges of corruption, it has been considered to give another chance to Shabnum Mir to look after the charge of the office of Assistant Director Employment;

Now therefore, it is hereby ordered that the Director Employment J&K, the competent authority for the Employment Officers shall examine and after due examination propose look after charge of the posts of Assistant Director Employment in the interest of administration.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Sarita Chauhan) IAS
Commissioner/Secretary to the Government,
Labour and Employment Department

Copy to the: -

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director, Employment, J&K, Jammu for information and necessary action.
3. Director Archive, Archaeology and Museums, J&K.
4. Private Secretary to the Commissioner/Secretary to the Government, Labour and Employment Department for information of the Commissioner Secretary.
5. Private Secretary to Secretary to the Government, General Administration Department for information of the Secretary.
6. Government Order file (w.2.s.c)



(Jyoti Raina)

Under Secretary to the Government

