

Government of Jammu and Kashmir
Finance Department,
Civil Secretariat Srinagar/Jammu

Subject: Final seniority list of Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service as it stood on 22-7-2019.

Government Order No. 264 -FD of 2021
D a t e d :- 28 -09- 2021

- 1- Whereas, the final seniority list of Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service was notified vide Govt. Order No. 373-FD of 2017 dated 20-12-2017.
- 2- Whereas, in order to update the seniority list of the Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service, it is necessary to exclude the names of officers, who have either been promoted to the next higher post substantively or have retired on superannuation and include those who have been appointed to the posts of Excise Taxation Officer/ State Taxes Officer through promotion in the said seniority list at appropriate places.
3. Whereas, a tentative seniority list of Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service as it stood on 22-7-2019 was notified vide notice issued under endorsement No. ET/Estt/37/99-III dated 12-9-2019 for the purpose of inviting objections, if any, from the concerned Officers within a period of 21 days from the date of issuance of the said notice.
4. Whereas, in response, some ETOs/STOs represented in the Department for re-fixation of their seniority and for making necessary corrections in their names/qualifications/DOB etc and also submitted necessary supporting documents for the purpose through concerned HODs/directly to this Department.
5. Whereas, the objections(representations) submitted by these Officers have been scrutinized in the Department and it has been found that the issue stated by the applicants is regarding the date of regularization which falls within the domain of Departmental Promotion Committee. The Finance Department can not alter with the stand taken by PSC/DPC.
6. Whereas, the Finance Department has issued the regularization order vide Govt. order No. 31-FD of 2019 dated 18-1-2019 strictly in accordance with recommendations of DPC/PSC and as such their plea was rejected and each applicant was informed personally as well as through concerned HODs.
7. Whereas, the applicants were asked to file fresh objections on the position taken by Finance Department within a period of 07 days i.e. from the date of issuance of the letter dated 16-1-2020 through concerned HOD.
8. Whereas, in response the Excise Commissioner has informed that none of the ETO in Excise Department has submitted any objection on the stand taken by the Finance Department. However, Commissioner, State Taxes J&K has informed that the following (11) STOs have submitted objections to the seniority of

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members of the Jammu and Kashmir Excise and State Taxes (Gazetted) Services, the gist whereof is reproduced as under:-

S.No.	Name of the Officer S/Shri	Fresh objections submitted by the applicants through CST
1	Aijaz Hassan Chowdhary	Their fresh objections (representations) against the tentative seniority of the Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service, is regarding regularization/confirmation of their services as ETO/STO vide Govt. No. 31-FD of 2019 dated 18-1-2019 on the recommendations of DPC/PSC. The applicants have objected that the some junior counter parts have been shown senior to them in the tentative seniority list.
2	Farooq Ahmad Dar	
3	Ghulam Mohi-ud-Din Malik	
4	Mohd Sarfaraz Khan	
5	Farooq Ahmad Kumar(RBA)	
6	Abdul Hamid Ganai(RBA)	
7	Abdul Rehman Kumar(Social Cast)	
8	Khalid Mohd Chesti	
9	Abdul Raof Shah	
10	Mohd Muneer Ahmad Bhat	While Mr. Mohammad Muneer Ahmad Bhat and Mr. Babu Pardeep Kumar STOs have requested for correction in their names in the final seniority list of STO/ETO which has been agreed to. Besides, Suraj Prakash has requested for incorporation of his name under SC Category in the final seniority list. His request shall be considered after obtaining the requisite category certificates (with genuiness / verification report from concerned agencies) through concerned HOD
11	Suraj Prakash	
12	Babu Pardeep Kumar	

9. Whereas, with regard to the regularization of the officers as ETOs/STOs issued vide Govt. order No. 31-FD of 2019 dated 18-1-2019, it has been done strictly on the recommendations of the DPC/PSC and their seniority has accordingly been fixed as per the date of regularization as recommended by the DPC/PSC .

10. Whereas, after examination of the matter in the Department, the matter was taken up with Department of Law, Justice & PA for seeking opinion as to whether the Finance Department can segregate the tentative seniority list and notify the final seniority upto S.No.24 as no objection or claim has been received from the applicants in respect of S.No. 01 to 24. The said Department vide U.O. dated 20-10-2020 advised the Finance Department to seek view of General Administration Department in the first instance.

11. Whereas, accordingly, the Department took the matter with GAD requesting for comments/ suggestions with regard to segregation of the tentative seniority list and to notify the final seniority upto S.No.24 as no objection or claim has been received from the applicants in respect of S.No. 01 to 24.

12. Whereas, the General Administration Department returned the instant file with the advice that in the first instance the Finance Department is required to make necessary amendments in the existing Jammu and Kashmir Excise and Taxation (G) Service Recruitment Rules

as already communicated vide letter dated 07.01.2019 . The relevant extract thereof is quoted hereunder:

".....to have the necessary amendments undertaken in the Jammu and Kashmir Excise & Commercial Taxes (Gazetted) Service Recruitment Rules, 2007 to reflect deputation, training and leave reserves at 10% each clearly. This amendment should be operative w.e.f 15.11.2018. It is further requested that the approved minutes of the DPC meeting dated 15.11.2018 forwarded by the Commission be operated/implemented by the Finance Department only after necessary amendments in the above rules are undertaken..."

13. Whereas, in pursuance to the General Administration Department communication No. GAD(Service)Genl/177/2009 dated 7-1-2019, the Finance Department has issued an Executive Order vide Government Order No. 31-FD of 2019 dated 18-1-2019 regarding amendment in J&K Excise & Taxation (Gazetted) Service Recruitment Rules, 2007 notified vide SRO 80 dated 12th March, 2007. The said order provides as under:

"That the deputation reserve, leave reserve and training reserve shall be 10% each of the total Duty posts borne on the cadre of the J&K Excise & Commercial Taxes (Gazetted) Service (i.e. 30% in aggregate);

Provided that the enhancement in the Reserves from overall 10% to 30% in aggregate shall and shall always be deemed to have come into effect from 15-11-2018".

14. Whereas, in order to incorporate necessary amendments in the existing Jammu and Kashmir Excise and State Taxes (Gazetted) Service, the Finance Department took the matter with the line departments and the matter was placed before the Administrative Council. After meeting the approval of the Administrative Council, the Finance Department notified following amendments in the existing Jammu and Kashmir Excise and State Taxes (Gazetted) Service Recruitment Rules vide S.O No. 242 dated: 16.07.2021:-

1. **In sub-rule (1) of rule 1**, for the words "Jammu and Kashmir Excise and Commercial Taxes (Gazetted) Service Recruitment Rules" the words "The Jammu and Kashmir Excise & State Taxes (Gazetted) Services Recruitment Rules" shall be substituted.
2. **In Schedule-I**, for the entries (i), (ii), (iii) appearing below table, the following entries shall be substituted; namely:

- i. Leave Reserve =10%
- ii. Training Reserve =10%
- iii. Deputation Reserve= 10%

This shall be deemed to have come into force w.e.f.15-11-2018.

15. Whereas, in the meantime, the following concerned ETOs/STOs who filed objections against the tentative seniority list of Member of Jammu and Kashmir Excise and State Taxes (Gazetted) Service as it stood on 22-7-2019 have withdrawn their objections filed by them against the tentative seniority list:-

S.No.	Name of the Officer
1	Aijaz Hassan Chowdhary
2	Farooq Ahmad Dar
3	Ghulam Mohi-ud-Din
4	Mohammad Sarafraz Ahmad
5	Khalid Mohammad Chesti
6	Abdul Raouf Shah

However, the following three ETOs/STOs belonging to reserve category have not withdrawn their objection to the tentative seniority list till date:-

1. Farooq Ahmed Kumar(RBA)
2. Abdul Hamid Ganai(RBA)
3. Abdul Rehman Kumar(Social Cast)

16. Whereas, further, the DPC/PSC has already kept reserved three slots/posts for the above mentioned three Officers belonging to reserve category in accordance with circular instructions of the General Administration Department for keeping the slots for reserved category vacant. Therefore, non- withdrawal of their objections does not affect the finalization of the seniority list of the cadre. These claims can be separately examined at appropriate time depending on the outcome of the cases regarding reservation in promotion pending before the Hon'ble Supreme Court of India or any other Court and their seniority position can be re-fixed at appropriate place by issuing separate order, if the need arises.

17. Whereas, besides above, the petitioner namely Syed Mushtaq Rizvi moved a Miscellaneous Application in M.A. No. 62/918/2021 in T.A. No. 62/7064/2020 before the Hon'ble CAT at Jammu. The Hon'ble CAT vide order dated 02.07.2021 allowed the M.A petition and disposed of the T.A petition with the direction *inter alia* to consider fixing of the seniority of the applicant in accordance with rules within a period of two months while observing that it has not entered into the merits of the case.

18. Whereas, in the meanwhile, the petitioner/applicant namely Syed Mushtaq Rizvi has submitted an application along with an affidavit duly notarized to the effect that he has no objection to the tentative seniority list issued by J&K Finance Department vide No. ET/Estt/37/99-III dated 02.09.2019.

19. Whereas, the matter was again taken up with Department of Law, Justice & PA in view of the order dated 2nd July, 2021 passed in MA No

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62/918/2021 and TA No. 62/7064/2020 titled Syed Mushtaq Ahmad Rizvi Vs State of J&K & Ors. The Law Department vide UO No. Law-Opn/60/2021-10 dated 13.09.2021 *inter alia* advised that the issuance of final seniority list will also satiate the above quoted directions of the Hon'ble Central Administrative Tribunal.

20. Now, therefore, the Final Seniority list of the Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service as stood on 22-7-2019 attached herewith as **Annexure-A** is issued subject to the below mentioned conditions:-

- a) In case any officer feels aggrieved with the position assigned to him in the above Seniority List, he may file a review petition, as per the relevant provisions of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956. The review petitions, if any, containing facts, as have not been considered or as have come to light now and which have a material bearing on the issue of determination of seniority, should reach this office within a period of one month from the date of issuance of this order failing which the above Seniority list shall be deemed to have attained finality.
- b) The date(s) of birth as well as category recorded/indicated against the officers in the Final Seniority List, shall not be taken as authentic, and, shall be subject to the verification from the Service Books/Matriculation Certificates/ other relevant record as prescribe under norms.
- c) The seniority position assigned hereunder shall be subject to the outcome of the cases before Courts/Tribunals including Appeals and SLP's etc regarding the claims/counter claims on regularization and seniority of the ETOs/STOs in the Finance Department.

By order of the Government of Jammu and Kashmir.

Sd/-

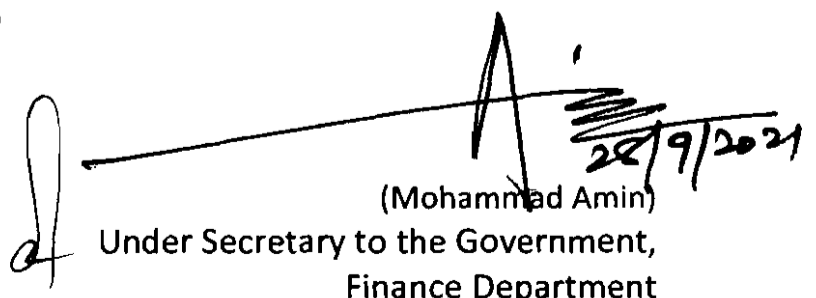
(Atal Dulloo), IAS
Financial Commissioner (Addl. Chief Secretary)
Finance Department

NO:-FD-ET/3/2021-9-Finance Department

Dated:- 28-9-2021

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Commissioner/Secretary to the Government, General Administration Department.
3. Secretary to the Government, Department of Law Justice and Parliamentary Affairs.
4. Commissioner, State Taxes/Excise Departments.
5. All Concerned Officers.
6. Private Secretary to Financial Commissioner (Additional Chief Secretary), Finance Department
- ✓ 7. I/C Website Finance Department/GAD
8. Government Order file w.2.s.c.

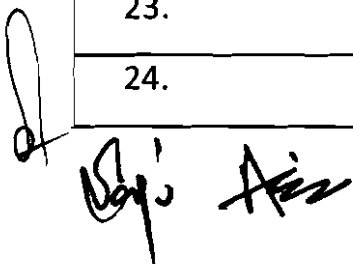

(Mohammad Amin)
Under Secretary to the Government,
Finance Department




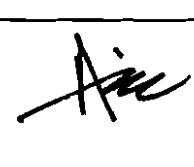
Annexure-A

Government order No. 264 -FD of 2021 dated 28 - 09 - 2021 regarding Final Seniority list of the Members of Jammu and Kashmir Excise and State Taxes (Gazetted) Service as stood on 22-7-2019;


Seniority No.	Name of the Officer Mr/Ms.	D.O.B	Date of Appointment ETO/CTO
1.	Parvez Iqbal	13.04.1961	06.01.2010
2.	Yudvir Padha	01.04.1966	06.01.2010
3.	Nagesh Singh	18.08.1968	06.01.2010
4.	Rajneesh Jearth	24.09.1968	06.01.2010
5.	Noor-ud-Din Bhat	04.04.1964	06.01.2010
6.	Syed Mushtaq Razvi	23.03.1966	06.01.2010
7.	Gur Mohan Singh	15.01.1955	06.01.2010
8.	Sat Paul Singh	04.03.1960	06.01.2010
9.	Abdul Majid Khan	03.04.1952	06.01.2010
10.	Varinder Singh Billawria	28.04.1959	06.01.2010
11.	Naresh Kumar	16.04.1954	06.01.2010
12.	Bashir Ahmed Wani	23.11.1953	06.01.2010
13.	Gurpinder Singh	12.02.1974	06.01.2010
14.	Mukhtiar Ahmed Ahanger	01.11.1969	06.01.2010
15.	Mohammad Muneer Ahmed Bhat	10.04.1969	06.01.2010
16.	Miss Anju Anand	20.11.1972	06.01.2010
17.	Zahoor Ahmed Bhat	15.11.1970	06.01.2010
18.	Ramneek Singh	27.12.1974	06.01.2010
19.	Naeem-ul- Rehman Mughal	14.12.1966	06.01.2010
20.	Suresh Kumar Sharma	01.11.1963	06.01.2010
21.	Babu Pardeep Kumar (SC)	28.04.1974	06.01.2010
22.	Sunil Angral (SC)	18.07.1973	06.01.2010
23.	Ajit Kumar (SC)	10.07.1972	06.01.2010
24.	Aijaz Ali Lone (ST)	15.04.1971	06.01.2010



25.	Neeraj Sharma	04.06.1976	28.07.2010
26.	Sakhi Mohd Khan	04.03.1971	28.07.2010
27.	Mohd Altaf Rather	05.05.1966	20.06.2011
28.	Sunil Dutt	12.04.1966	01.12.2011
29.	Narinder Singh -II	23.03.1965	24.08.2012
30.	Suraj Prakash	04.05.1966	24.08.2012
31.	Arvind Kumar	29.04.1968	01.02.2013
32.	Sunil Kumar Gupta	01.09.1967	01.10.2014
33.	Tariq Parviz	29.07.1966	15.10.2014
34.	Shabir Ahmed Bhat	02.05.1963	15.10.2014
35.	Aijaz Hussain Chowdhary	20.06.1968	15.10.2014
36.	Bhupinder Singh Chib	12.05.1972	15.10.2014
37.	Kuldeep kumar Jandial	22.04.1967	15.10.2014
38.	Sandeep Gupta	02.07.1978	10.07.2015
39.	Farooq Ahmed Dar	01.04.1971	10.07.2015
40.	Peer Shamas-ud- Duha	14.08.1969	10.07.2015
41.	Ghulam Mohi-ud- Din Malik	29.03.1970	10.07.2015
42.	Varinder Singh Powar	09.09.1971	10.07.2015
43.	Surinder kumar	13.05.1966	10.07.2015
44.	Parviz Ahmed Ganie	10.11.1968	10.07.2015
45.	Majeed-ul-Islam Bhat	01.10.1968	10.07.2015
46.	Aijaz Ahmed Wani	20.09.1969	10.07.2015
47.	Mohd Akbar Hakim	15.12.1970	10.07.2015
48.	Mohd Sarfaraz Khan (RBA)	01.01.1971	10.07.2015
49.	Varinder Gupta	23.09.1976	20.08.2015
50.	Showkat Hussain Bahar	02.10.1967	01.01.2016
51.	Showkat Ahmad Malik	15.09.1976	27.04.2016
52.	Farooq Ahmad Kumar (RBA)	01.01.1972	01.01.2017
53.	Ab. Hamid Ganai (RBA)	01.01.1970	01.01.2017

54.	Mohammad Farooq Choudhary (ST)	02.02.1966	01.01.2017
55.	Abdul Rehman Kumar (Social Caste)	08.12.1968	01.01.2017
56.	Naresh Kumar Koul	01.12.1965	01.01.2017
57.	Satya Bhushan (SC)	21.06.1974	01.01.2017
58.	Saleem Akbar	30.05.1974	01.01.2017
59.	Rohit Sharma	18.05.1974	01.01.2017
60.	Khalid Mohammad Chesti	03.06.1974	01.01.2017
61.	Abdul Rouf Shah	11.07.1975	01.01.2017
62.	Dewakar Sharma	16.10.1961	31.01.2017
63.	Rahul Sharma	19.12.1977	31.01.2017
64.	Kusum Gupta	05.03.1977	31.01.2017
65.	Anil Chandan	10.09.1976	31.01.2017


 28/9/2021
 (Mohammad Amin)
 Under Secretary to the Government,
 Finance Department
