

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD
CPO Chowk, Panjtirthi, Jammu / Zamzam Complex, Rambagh, Srinagar
www.jkssb.nic.in

Subject: OA No.653/2024 titled Mohd Shoiab Ul Hassan V/S UT of J&K and Ors – Consideration order thereof.

Order No. 279 - SSB of 2024
Dated: 31-07-2024

Whereas, the J&K Services Selection Board received a requisition for 33 posts of Motor Vehicle Inspector, Sub-Motor Vehicle Inspector and Assistant Motor Vehicle Inspector from Transport Department, vide Indent No. TR-09/SMG/2015 dated 29.09.2020, which were subsequently advertised vide Notification No. 04 of 2020 dated 16.12.2020; and

Whereas, the J&K Services Selection Board, vide Notification No. JKSSB-Scry/3/2023-03 (E-7180554) dated: 26.06.2023, notified the Final Selection List for these 33 posts and vide letter dated 28.06.2023, the Final Selection list was forwarded to the Transport Department; and

Whereas, the waiting list did not form the part of the selection list for these posts; as it was a combined Selection held for various terms and as per Regulation -68 of the Jammu and Kashmir Service Selection Board (Business and Procedure) Regulations, 2022, the waiting list for such posts shall be forwarded on the request of Indenting Department for consideration against non-Joining candidates, if any; and

Whereas, in the meanwhile, the practice of drawing up and forwarding of the wait list (s) was also discontinued vide S.O. 496 of 2023 dated 26.09.2023, which omitted Sub-rule (7) of Rule 14 of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Rules, 2010; and

Whereas, in light of S.O 134/2014 dated 28th February, 2024 the provision for preparation on the waiting list were revived; and

Whereas, consequent upon revival of the Waiting list, a communication No. TRPT-MVD0N/43/2023-02-TPT dated. 17.05.2024, was received from Transport Department, indicating details of candidates for 3 posts (SC-02,ALC/IB-01), who were appointed as Motor Vehicle Inspector/Sub MVI and had not joined in the department within a stipulated time; and



Whereas, a representation was also received from one Mr. Ankush Choudhary, ALC/IB, requesting for withdrawal of candidature/his non-consideration under Waiting list, on the grounds that he was working on higher scale post; and

Whereas, the matter regarding waiting list, along-with representation of candidates, was placed in 273rd Board Meeting held on 28.05.2024, which decided as under:

“The Board perused the record placed before it and taking note of the request from the Transport Department, approved the proposal for notifying the waiting list against the three non-joining posts in the selection list notified for the post of Motor Vehicle Inspector, Sub MVI and Assistant Motor Vehicle Inspector, Transport Department.

As regards the representation received from the candidates, the Board noted that while the requests for withdrawal shall not be considered”.

Whereas, the waiting list, so requisitioned, was notified vide Notification no. JKSSB/3/2023-03(E-7180554) dated 04.06.2024 in respect of three eligible candidates as per their merit/Preference; and

Whereas, after issuing of afore-mentioned waiting list, representations/applications were received from already selected candidates for their consideration against higher posts/preferences; and

Whereas, the matter was examined and deliberated in the Board and it was decided to withdraw Notification issued vide No. JKSSB/3/2023-03(E-7180554) dated 04.06.2024; and

Whereas, vide this office Order No. 246-SSB of 2024 dated 01.07.2024, the waiting List, issued vide Notification No. JKSSB/3/2023-03(E-7180554) dated 04.06.2024, was withdrawn ab-initio, in view of combined nature of selection and different pay level of posts; and

Whereas, in the meantime, the applicant filed an OA bearing No. 653/2024 titled Mohd Shoiab Ul Hassan V/s UT of J&K and Ors in the Hon'ble Central Administrative Tribunal (CAT), Jammu Bench. The O.A was disposed of by the Hon'ble CAT with the order dated 19.06.2024, with the operative part as under:

“Keeping in view the limited prayer made by the learned counsel for the applicant, the Original Application is disposed of with a direction to Respondent No. 3 – Secretary, Jammu & Kashmir Service Selection Board, Jammu to consider and decide the pending representation of the

applicant dated 13.06.2020 (Annexure A/10) by passing a reasoned and speaking order and furnish a copy of the same to the applicant. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.”

Whereas, the matter was examined in light of the directions of the Hon'ble CAT and it was found that the applicant namely Mr. Mohd Shoaib Ul Hassan was not figuring at the immediate next position in the merit to have been considered against 01 non-joining post (wait list), under ALC/IB category. However, the candidate was assuming his consideration only on basis of acceptance of withdrawal of Mr. Ankush Choudhary, ALC/IB, who was considered under waiting list, which has been later on withdrawn on the afore-mentioned grounds.

Now, therefore, in view of above stated facts and circumstances of the case and in due deference to the Order dated- 19.06.2024 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, the case of the applicant has been considered and found devoid of any merit, hence rejected.

By Order.


(Atul Kumar) JKAS
Secretary

J&K Services Selection Board

Dated: 31.07.2024

No.: JKSSB-LEG/(E-7504925)/948-52
Copy to the:

1. Secretary to the Government, Transport Department, Civil Secretariat, J&K, Jammu for kind information.
2. Ld. Counsel, J&K Services Selection Board.
3. Private Secretary to Chairman, JKSSB, for the information of the Chairman.
4. Applicant concerned.
5. Order File.