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Union Territory of Jammu and Kashmir
Social Welfare Department
Civil Secretariat, J&K.

**

Subject: CPSW No. 2013/2016, CM No. 558/2019 titled Hafiza Akhter V/s Mr. Sanjeev Verma & Ors.

Government Order No: 103 -SWD (JK) of 2022
Dated : 03-.06.2022

Whereas, Ms. Hafiza Akhter D/o Mohammad Yousuf Pandita R/o Bijbehara was appointed as Craft Assistant on adhoc basis by the then Director, Social Welfare J&K vide letter No. SSB/159-Coord/89 dated 04.02.1989 along with other two candidates for a period of 03 months or till selection is made by the SSB, whichever is earlier. The term of adhoc appointment had been extended by virtue of different orders issued from time to time by the erstwhile Deputy Director/ Directorate of Social Welfare, Kashmir;

Whereas, the petitioner continued services in terms of Hon'ble High Court order dated 10.05.1990 bearing SWP No. 1527/89;

Whereas, the Hon'ble High court in another writ petition bearing SWP No. 1908/2015 passed an order dated 20.11.2015 to consider the case of the petitioner for regularization of her services;

Whereas a contempt petition bearing CPSW No. 213/2016 CM No. 5383/2019 was disposed off vide order dated 22.02.2021 with the following directions:-

"During the pendency of the instant contempt petition, the incumbent-respondents have changed their position either on account of retirement or transfer to some other office, as such, no useful purpose can be achieved by keeping the instant contempt petition pending, therefore, the same is disposed of giving liberty to the petitioner to approach the present incumbents with a copy of the order, subject matter of the contempt petition, for seeking implementation of the same, of course, in case same has remained unimplemented so far. Further, in the event, the petitioner after availing the aforesaid liberty, is still dissatisfied as regards the implementation of the directions of this court, she shall be at liberty to file appropriate proceedings for implementation of the same in accordance with law."
Contempt petition disposed of as above.

Whereas, the Director, Social Welfare Kashmir vide letter dated 14.03.2022 has forwarded a copy of representation along with other connected documents in terms of above mentioned court order to this department;

Whereas, the case of the petitioner was examined in the Department and it has been found that the date of birth of the petitioner as per matriculation certificate issued by the J&K State Board of School Education is 02.04.1963;

Whereas, the maximum age for entry into Government service is 40 years and as per records, the petitioner is 58 years 08 months and 29 days as on 01.01.2022 and therefore ineligible for appointment in government services;

Whereas, the petitioner was appointed by the then Deputy Director, Social Welfare, Kashmir, who is not competent authority to engage any person on adhoc basis on direct recruitment post and extend his / her term without the approval of the Competent Authority and therefore her appointment and extension in service is invalid;

Whereas, the Department had referred a similar case of Mst. Abida Aslam R/o Uri to Competent authority for relaxation of age which was not agreed to and was therefore rejected vide Government Order No. 214-SW of 2019 dated 22.10.2019;

Whereas, on examination of the case, it has been found that the petitioner was neither appointed by the competent authority nor is eligible for appointment in government services being over age;

Now, therefore, in compliance to court order dated 22.02.2021 passed in CPSW No. 213/2016, CMP No.5383/2019 titled Hafiza Akhter Vs State & Ors and the decision already taken in such similar case(s), the claim of the petitioner stands examined and considered in terms of rules in vogue and is found devoid of merit and hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

Sheetal Nanda, IAS
Commissioner/ Secretary to the Government
Social Welfare Department

Dated: 03.06.2022

No: SW/Lit/178/2021

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Additional Advocate General, J&K, High Court, Srinagar.
3. Director, Social Welfare, Kashmir.
4. Pvt. Secretary to Commissioner/Secretary to the Government, Social Welfare Department.
5. Concerned official.
6. Official Website Incharge.
7. Government Order file/ Stock file.


(Gulam Qadir)

Under Secretary to the Government