



Government of Jammu and Kashmir,  
Finance Department.

Subject: Tentative seniority list of ETO/CTOs.

**Circular**

Whereas vide Government Order No. 05-F of 2006 dated: 03.01.2006, the Final Seniority List of 81 members of the Jammu & Kashmir, Excise & Taxation (Gazetted) Service as it stood on 01.08.2005 was notified;

Whereas the Seniority of the Officers mentioned at Serial No. 70 to 79 was subject to their successful completion of probation;

Whereas, the said Seniority List was challenged in the Hon'ble High Court by some members of the service figuring at Serial No. 70-79 with regard to assigning them the position ahead of the members from Serial No. 55 to 69;

Whereas, the Hon'ble High Court in SWP No.2356/2009, titled Rakesh Kumar and others Vs. State and others vide judgment dated 07<sup>th</sup> of May, 2013 disposed of the writ petition, The operative part of the said judgment is as under:-

*"The outer time limit for throwing challenge to the final seniority list as laid down in the case law noticed above is four year from the date of issuance/publication of the final seniority list. Though four years is not a legislatively fixed period for questioning final seniority list, yet the case law on the subject is suggestive of adherence to such time limit. In other words, challenge to final list after a period of four year should not ordinarily be entertained unless there are cogent and convincing reasons to justify the delay, in questioning such list. In the present case, petition in view of the facts and circumstances discussed cannot be said to be hit by delay and laches. For the reasons discussed, there is merit in the writ petition. The petition is, accordingly allowed. The order No.232-F of 2004 dated 6<sup>th</sup> December, 2004 is quashed to the extent it give retrospective effect to the promotion of private respondents with effect from the date(s), the Excise and Taxation vacancies in promotional quota were available. The final seniority list bearing No.05-F of 2006 dated 3<sup>rd</sup> January, 2006, is also quashed to the extent, it places the respondents (6-15) ahead of petition in the final seniority list. The official respondents are directed to reframe the final seniority list taking date of appointment by promotion of private respondents*

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effective from the date of order, where by they were so appointed was acted upon and not the date when the posts become available or were left vacant. The official respondents shall proceed further on the basis of final seniority list so drawn.

Whereas, the judgement dated 07.05.2013 has been challenged in LPA (SW) No.91/2013 and the Division Bench of the Hon'ble High Court vide order dated 10.05.2013 directed as under:-

*"Meanwhile, subject to objections and till next date before the Bench, the process of re-drawing of Seniority List may continue, but shall not be acted upon."*

Whereas in pursuance of the directions of the Hon'ble High Court dated 07.05.2013 read with directives dated 10.05.2013, the Seniority List of the members of the service figuring at Serial No. 55 to 79 is required to be reframed;

Now, therefore the tentative Seniority List of the members of the Jammu & Kashmir, Excise & Taxation (Gazetted) Service as it stood on 01.08.2005 in respect of member of the services figuring from Serial No. 55 to 79, is hereby notified as Annexure 'A' to this Circular.

Objections if any in this regard should reach the Finance Department within 15 days from the date of issuance of this circular failing which, it will be presumed that the members of the services have not objections with respect to the assigned positions and the seniority shall be finalized accordingly.

Sd/-

(B.B. Vyas) IAS

Principal Secretary to the Government,  
Finance Department.

Dated:- 26 -06-2013

No:ET/Estt/212/2010

Copy to the:-

1. Secretary to the Government, General Administration Department.
2. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
3. Excise Commissioner, J&K.
4. Commissioner, Commercial Taxes, J&K.
5. Secretary, J&K Public Service Commission.
6. Registrar, J&K High Court.
7. OSD to Hon'ble Minister for Finance and Ladakh Affairs.
8. Concerned Officers.
9. Pvt. Secretary to the Principal Secretary to Government, Finance Department.
10. Programmer, Finance Department. He is requested to post the circular on the Finance Departments website.
11. Stock file/Circular file.

(Rakesh Magotra) KAS

Deputy Secretary to the Government,  
Finance Department.

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**Annexure "A"**

Tentative Seniority position Assigned	Name	Date of Birth	Seniority position in the list of Inspectors notified vide G.O. No. 24-F of 2003 as on 31.03.2003	Date of appointment by promotion to the post of ETO/CTO in pursuance of judgment dated: 07.05.2013 of Hon'ble High Court
55	Tazayun Mukhtar Ahmad	28.12.1977	direct	23.07.2004
56	Rakesh Kumar	17.04.1974	direct	23.07.2004
57	Anil Salgotra	02.02.1973	direct	23.07.2004
58	Sunaina Sharma	06.08.1977	direct	23.07.2004
59	Subah Mehta	17.10.1979	direct	23.07.2004
60	Tahir Ajaz	05.09.1976	direct	23.07.2004
61	Romin Ahmad		direct	23.07.2004
62	Ranj Kumari	27.02.1979	direct	23.07.2004
63	Sanjeev Rana	25.11.1974	direct	23.07.2004
64	Abdul Star		direct	23.07.2004
65	Mohd. Ashraf Bhat	01.08.1950	18	06.12.2004
66	Nasadur Hussain	01.12.1955	19	06.12.2004
67	Karan Singh	14.04.1952	29	06.12.2004
68	Yogeshwar Raj Sharma	19.02.1950	30	06.12.2004
69	Uday Shankar Chandan	13.04.1952	31	06.12.2004
70	Ravi Chand	29.09.1956	35	06.12.2004
71	Abdul Rashid Mir	01.04.1948	36	06.12.2004
72	Vijay Kumar Dogra	01.01.1948	47	06.12.2004
73	Babu Ram	16.07.1948	50	06.12.2004
74	Pardeep Singh Chib		62	06.12.2004
75	Gh. Mohammad Bhat	06.05.1966	63	06.12.2004
76	Gurdeep Singh	15.04.1966	68	06.12.2004
77	Kewal Kumar	10.09.1964	70	06.12.2004
78	Farukh Qazi	20.10.1968	75	06.12.2004
79	Mohd. Ashraf Sufi	17.04.1952	114	06.12.2004
80	Sohan Lal	01.01.1963	133	06.12.2004
81	Ajaz Ahmed Wadoo	01.10.1960	135	06.12.2004