

Government of Jammu and Kashmir
Directorate of Agriculture Kashmir

Subject: Regularization of Rehbar-e-Zirats-Phase-II

Reference: Administrative Departments communication bearing No:
Agri/Ng/53/2002-IV dated 24-03-2016 and letter
No.Agri/NG/52/REZ/2014-part-I dated 20-03-2015.

Agriculture order No.67/Estt of 2016

D a t e d:26/03/2016

Whereas, sanction for engagement of unemployed Agriculture Graduates as ReZs was accorded by the cabinet vide decision No. 248/14 dated: 23.10.2006 endorsed vide Government Order No: 20-Agri of 2007 dated: 06.02.2007 on a monthly stipend of Rs. 1500/- effecting from April 2007 which was enhanced to Rs. 3000/- after three years, and to Rs. 4500/- after rendering five years of service as Rehbar-e-Zirats and after, which the candidates would receive an enhancement of Rs. 1000/- in their stipend every year till their regularization.

Whereas, in a significant move Government formulated a regularization policy for Rehbar-e-Zirats as Village Agri. Extension Assistants (VAEAs) vide Government Order No: 235-Agri of 2011 dated: 10.08.2011 which envisaged that registered Rehbar-e-Zirats will get regularized in terms of cabinet decision No: 139/18/2011 dated: 04.08.2011 with following conditions:

1. That the candidates were registered as “Rehbar-e-Zirats” in terms of the Cabinet decision No: 248/14 dated: 23.10.2006 before the cutoff date prescribed for the purpose.
2. That the “Rehbar-e-Zirat” candidates have rendered satisfactory and continuous service of seven years from the date of registration to be certified in writing by the Chief Agriculture Officer under whose charge these “Rehbar-e-Zirats” are presently deployed.
3. That the “Rehbar-e-Zirats” candidates continue to work as such without any break; and
4. That no disciplinary or criminal proceedings are pending against the appointees.

That the selection committee shall evaluate the candidates on the basis of qualifications for which weight-age restricted to 100 points, as indicated below shall be given:

a)	B. Sc Agriculture	75 points
b)	Post-Graduation	15 points
c)	Ph. D Agriculture	10 Points

In the event of more than the desired number of candidates obtaining the same points the candidates higher in age would be preferred.

5. The period of time spend on pursuing higher studies shall not count towards the prescribed tenure.

Whereas, Government constituted a Divisional Level Committee vide No: 378-Agri of 2013 dated: 28.11.2013 for finalizing of the list of eligible

Rehbar-e-Zirats to be regularized in three phases starting from 01.04.2014 on the below mentioned terms and conditions: -

- i. The list shall be prepared on the basis of weightage to qualification obtained on or before cutoff date i.e. 31.10.2006 on pro rata basis in the descending order of merit of the Rehbar-e-Zirats who have seven years of continuous and satisfactory services from the date of registration.
- ii. The period spent on study/project shall not be counted while arriving at 7 years of service to make the candidates eligible for regularization irrespective of nature of permission in this regard.

Whereas, on the recommendations of the Divisional Level Committee for Kashmir Division a proposal for regularization of 441 ReZs in phase-I was forwarded to the Administrative Department for approval.

Whereas, the Administrative Department vide APD's letter No.Agri/NG/53/2007/Part file dated 20-06-2014 accorded sanction vide for their regularization in 1st phase and they were regularized vide Agriculture Order No.281-Agri of 2014 dated 23-06-2014.

Whereas, the committee scrutinized the records of Rehbar-e-Zirats working in Kashmir Division and framed the list of another 441 ReZs as per merit who have seven years continuous service as Rehbar-e-Zirats, on the basis of merit strictly in accordance with the regularization policy notified vide Government Order No.235-Agri of 2011 dated 10-08-2011 read with Government Order No.378-Agri of 2013 dated 28-11-2013 and submitted the same to the Government in Agriculture Production Department for approval to their regularization in 2nd phase.

Whereas, the proposal of this Directorate was again placed before the Divisional Level Committee of Kashmir in a meeting on 11-08-2015 for re-authentication of eligibility/merit etc. in terms of the regularization policy and

the concurrence conveyed for regularization of the eligible ReZs of phase-II w.e.f 01-04-2015 to this Directorate's proposal vide Agriculture Production Department communication No.Agri/NG/53/2002-IV dated 24-03-2016, subject to the following conditions:

- i. It will be ensured that the list of ReZs to be regularized now (2015-16) is duly signed by all members of the Divisional Committee in token of their correctness, so as to exclude any ineligible candidate and for now, the competing candidate in view of the Hon'ble High Court's status quo orders;
- ii. Before issuance of the orders, the Chief Agriculture Officer shall re-authenticate the eligibility/merit etc. and ensure that no deviation, what so ever, takes place from the norms laid down in this regard. In this connection, a meeting of the selection committee constituted for the purpose vide Government Order No: 378-Agri of 2013 Dated: 28.11.2013 is also be convened for the purpose of re-authentication of inter-se-merit etc.
- iii. Those against whom there are pending enquiries will not be regularized and a decision in such cases will be taken only after conclusion of the inquiry and the report to be submitted to the Government.
- iv. The REZs in whose cases Vigilance clearness has not be received, shall not be regularized shall be withheld till such time the same is received.
- v. The details in respect of competing candidates before the Hon'ble High Court in various court cases/LPAs shall be re-verified to ensure that posts to the extent of actual numbers equivalent to competing candidates are reserved and the appointment in such cases shall be notified only after culmination of the legal proceedings in pursuance of such orders / after the approval of the Administrative Department.
- vi. There shall be no deviation in the criteria notified by the government and adopted by the Directorate of Agriculture Kashmir.
- vii. The direction issued by the Government from time to time shall be adhered to in letter and sprits.
- viii. Appointment of 17 ineligible candidates regularized by the Director of Agriculture Kashmir in Phase-I on the basis of weightage given to MRD certificate shall be reviewed and regularized in Phase-II on the basis of the merit obtained by them. Consequently, those actually eligible be regularized notionally in Phase-I at appropriate place. The issue with regard to salary drawn by those ineligible candidate in Phase-I shall be settled separately for which a proposal from the Directorate is required to be submitted, considering all aspects of the case.
- ix. Copies of the order issued in this regard along-with the merit list so notified shall be placed on the website of the Department and also to the Government for record and reference.

- x. The orders so issued shall be without prejudice to the outcome of the writ petitions pending, if any, before the Hon'ble High Court.

Whereas, 2642 No. posts of Village Agriculture Extension Assistants in the Pay Band of Rs. 9300-34800+GP 4200/- were created vide above referred order No & Date and regularization of Rehbar-e-Zirats was to be completed in three phases effective from 01.04.2014.

Whereas, Dr. Majid Ali Dar & Ors. Filed SWP No. 2468/13 in Hon'ble High Court challenging the eligibility criteria No. 5 of Government Order No.235-Agri of 2011 dated 10-08-2011 and criteria No.2 of Government Order No.378-Agri of 2013 dated 28-11-2013 which reads as under:

Criteria No.	Condition
Criteria No 5 of Govt Order No: 235-Agri of 2011 dated 10-08-2011	The period of time spend on pursuing higher studies shall not count towards the prescribed tenure.
Criteria No :2 of Government Order No.378-Agri of 2013 dated 28-11-2013	The period spend on study/project shall not be counted while arriving at seven years of service to make the candidates eligible for regularization in respective of nature of permission in this regard.

Whereas, the Hon'ble High Court in the instant writ petition passed an order which reads as under:

“Having read impugned Government Order No: 378-Agri of 2013 dated: 28.11.2013 in light of circular issued vide endorsement No: Agri/NG/53/2002-Genl dated: 18.04.2007 the entire regularization process shall stay till next date before the bench”.

Whereas, as against the single bench order dated: 31.12.2013 passed in the SWP No. 2468/13, an LPA was filed by Suhail Inamullah & Ors. against the above referred interim order, before the Division Bench of the Hon'ble High Court. The said LPA was disposed-off by the Division Bench along with all connected CMPs on 22.05.2014, operative part of the judgment is as under:-

“Keeping in view the aforesaid position and the peculiar facts of the case, we request the learned court to take up the SWP No. 2468/2013 and decide the same expeditiously preferably before the ensuring vacation as the pleadings are complete. The matter be shown high-up in the cause list. In the meanwhile, status quo with regard to the regularization of

petitioners-respondents as well as appellants, shall be maintained”.

Whereas, vide this office communication No: Agri/Estt/Gaz/1283 dated: 13.06.2014, wherein a list of 1004 Rehbar-e-Zirats was sent to Agriculture Production Department along with recommendations of the committee constituted for the purpose.

- i. 828 Rehbar-e-Zirats having continuous service of seven years without break.
- ii. 176 Rehbar-e-Zirats having break in their services and as such not having seven years continuous service as on 01.04.2014.

Whereas, approval to the regularization of 440 Rehbar-e-Zirats was conveyed vide Agriculture Production Department’s communication No; Agri/NG/53/2007 dated: 20.06.2014 and subsequently regularization orders in favour of 440 Rehbar-e-Zirats as Village Agriculture Extension Assistants was issued vide Agriculture Order No: 281/Estt of 2014 dated: 13.07.2014. However, posting of 37 Village Agriculture Extension Assistants was withheld in view of the status of the Rehbar-e-Zirats being appellants in the above referred case.

Whereas, on the directions of Agriculture Production Department’s communication No: Agri/NG/53/2007/PF dated: 03.03.2015, subject to the pendency/outcome of the writ petition, if any, the posting orders of 37 Village Agriculture Extension Assistants earlier kept withheld was issued vide Agriculture Order No; 73/Estt of 2015 dated: 07.03.2015.

Whereas, Hon’ble Court in the SWP No. 2468/13 titled Dr. Majid Ali Dar & Ors. v/s State and others disposed-off petition who had challenged the eligibility criteria appearing at S. No. 5 of Government Order No.235-Agri of 2011 dated 10-08-2011 and Government Order No.378-Agri of 2013 dated 28-11-2013 respectively along with other CMPs, operative part of which is as under:

“Viewed thus the writ petition is allowed and by a writ of certiorari No. 5 of para 5 of the policy for regularization of Rehbar-e-Zirats Agriculture Graduates, approved by the Government vide Government order No. 235-Agri of 2011 dated: 10th of August, 2015 and condition No. 2 in Government Order No. 378 -Agri of 2013 dated: 28th November, 2013 quashed. Resultantly, respondent 1 &2 shall proceed with regularization of RZ’s in accordance with aforesaid Government orders, taking into account the period spent by the petitioners on higher studies/ while working on projects”.

Whereas, an LPA No.33/2015 was filed titled Nisar Ahmad Denthoo & Ors. v/s Dr. Majid Ali and Ors before Division Bench of Hon'ble High Court at Srinagar against the judgement dated 31.12.2014 passed in the matter of Dr.Majid Ali & Others in SWP No. 2468/13. The Hon'ble Division Bench was pleased to pass an order on 31-03-2015, operative part of which reads as under:

“Subject to objections and till next date before the Bench, the operation of the impugned Judgment shall stay and status-quo shall be maintained in respect of regularization of competing candidates”.

Whereas, simultaneously Ansar-ul- Rabani and Others filed a Service Writ Petition No. 1498/2014 wherein he had prayed to undertake fresh process of regularization of RZ's in tune with sub-clause(4) of clause 5 of the policy accompanying Government Order dated:10.08.2011 read with clause 3 as contained in communication dated: 20.03.2014 and accord consideration to the regularization of petitioners.

Whereas, considering the sensitivity of the matter and the judgment passed in the matter of the SWP No. 1498/2014, Agriculture production Department constituted the committee headed by Vice Chancellor, SKUAST-K vide No. 139-Agri of 2014 dated: 17.07.2014 and the findings of the committee were approved by Agriculture Production Department and subsequent to the high level committee report APD desired vide No. Agri/NG/REZ/legal/45/2014 dated: 23.04.2015 that judgment passed in the matter be complied with.

Whereas, in compliance to administrative department letter No. Agri/NG/Legal/69/2014-PF dated: 03.07.2015 and to uphold the rules and instructions laid down in this respect of regularization, it was felt necessary to review this office Order No. 281/Estt of 2014 Dated: 23.06.2014 under which 440 Rehbar-e-Zirats were regularized in particular reference to points/merit awarded to candidates with Post Graduation in Rural Development and in certain other disciplines with the aim of maintaining parity between procedure followed at Directorate of Agriculture Jammu and Directorate of Agriculture Kashmir.

Whereas, it has been decided that Master' s Degree in Rural Development owing to its non-relevance with Agriculture will not be entertained in process of the regularization and accordingly 17 Rehbar-e-Zirats were found to have been wrongly regularized w.e.f 01.04.2014.

Whereas, in light of the procedure devised to be followed by the committee 17 Rehbar-e-Zirats having Master' s Degree in Rural Development

and other non-relevant Degrees appearing at S. No. 118, 109, 159, 138, 179, 236, 258, 222, 248, 301, 247, 229, 234, 308, 276, 293 & 378 regularized in the 1st Phase vide Agriculture Order No: 281/Estt of 2014 Dated: 23.06.2014 has been reviewed and accordingly are to be placed in the 2nd list of Rehbar-e-Zirats due for regularization w.e.f. 01.04.2015 as per the eligibility criteria devised as per Government Order No.235-Agri of 2011 dated 10-08-2011 and Government Order No.378-Agri of 2013 dated 28-11-2013.

Whereas , this has necessitated formulation of a Revised list of 440 regularized RZs with effect from 01.04.2014 (423 regularized+17 to be regularized notionally w.e.f. 01.04.2014) as per merit and seven years of continuous service and further a new list 412 RZs to be regularized with effect from 01.04.2015 as per merit and seven years of continuous service. It merits a mention here that 17 ReZ's figuring at S no's 32, 55, 65, 66, 85, 110,310, 314, 326, 344, 362, 369,388, 391, 399,416 and 417 as they were not due for regularization as per rules in vogue and criteria and are to be placed at the appropriate position in pursuance to Government Order No.235-Agri of 2011 dated 10-08-2011 and Government Order No.378-Agri of 2013 dated 28-11-2013.

Whereas a proposal for regularization of ReZs comprising of 441 was submitted to the Commissioner/Secretary, Agriculture Production Department vide No: Agri/Esstt/2015-16/1417-18 dated 14-08-2015, Agri/Estt/Gaz/1871 dated 02-09-2015, Agri/Esstt/Gaz/2464 dated 27-10-2015, Agri/Esstt/Gaz/2478 dated 28-10-2015 and No: Agri/Esstt/Gaz/3762 dated 01-02-2016 for regularization w.e.f 01-04-2015.

Whereas, one Rehbar-e-Zirat namely Sh. Sofi Umar S/o: Gh. Qadir who had been working in District Srinagar has tendered his resignation and therefore does not merit the consideration for regularization.

Whereas, 208 ReZs, out of which 37 ReZs (proforma respondents) have already been regularized, are contesting before the Hon'ble High Court in the LPA No.33/2015 titled Nisar Ahmad Denthoo & Others, details whereof is given as hereunder. Further, the details of appellants, contesting respondents and proforma respondents are given in **Annexure A** to this order.

Title of the case	Nissar Ahmad Denthoo & Others V/S State & Others in LPA No.33/2015
No. of appellants	40
No. of contesting respondents	74
No. of proforma respondents yet to be regularized	57
Competing in other LPAs/cases	4
Total	175

Whereas, one Gurdeep Singh S/O Jarpal Singh R/O Tral Pulwama filed a CMP No.03/2015 before the Hon'ble High Court at Srinagar in LPA No.33/2015 praying therein withdrawal of appeal in so far as it relates to appellant No.26 in the said LPA and the Hon'ble High Court in its order dated 14-10-2015 dismissed his name as withdrawn, resting the total number of appellants 39 only remaining thereby total competing candidates only 174.

Whereas, the regularization of remaining eligible ReZs competing before the Hon'ble High Court in various court cases/LPAs shall remain on hold against the post reserved out of 441 partly due for regularization w.e.f 01-04-2015 after culmination of legal proceedings in competent courts that too after the approval from administrative department.

Whereas, the case of 17 ReZs who are due for regularization w.e.f 01-04-2014 have been re-examined, details whereof is given in the **Annexure "B"**.

Whereas, the case of 17 ReZs having master degree in Rural Development and other non-relevant disciplines appearing at S.No.109, 118, 138, 159, 179, 222, 229, 234, 236, 247, 248, 258, 276, 293, 301, 308 and 378 regularized in the 1st phase vide Agriculture Order No.281/Estt of 2014 dated 23-06-2014 has been reviewed and have been considered for regularization w.e.f 01-04-2015, details whereof is given in the **Annexure C**.

Whereas, the proposal was examined in consultation with the Law Department on the import of the Hon'ble High Court direction dated 31-03-2015 in the said LPAs. The Law Department vide their U.O No.LD(ser)2013/76-Agri dated 26-02-2016 had advised that the Department may proceed ahead in the matter in terms of the proposed action by the department by keeping the posts reserved and issue regularization in respect of non-competing (litigant) eligible candidates as per the policy but such a regularization shall be subject to the outcome of the PLA's No.33/2015 titled Nissar Ahmad Denthoo & Others V/S Majid Ali & Others filed and also claim of the parties as may be decided by the Hon'ble Court.

Now therefore, pursuant to approval conveyed by Agriculture Production department vide their No: Agri/NG/53/2002-IV Dated: 24.03.2016, without prejudice to the superior claim of others, sanction is hereby accorded to the regularization of 267 number of ReZs as Village Agriculture Extension Assistant in the pay band of Rs. 9300-34800 +GP 4200 who have completed 7 years of continuous services/ and are not linked to any of the court cases pending before the Hon'ble High Courts for final disposal of the matter neither in capacity as Appellants/Contesting Respondents/Proforma Respondents w.e.f 01-04-2014 & 01-04.2015.

Particulars	Annexure	Date of effect to the regularization
17 ReZs due for regularization notionally	B	01-04-2014
17 ReZs erroneously regularized vide Agriculture No.281/Estt of 2014 dated 23-06-2014 due for regularization	C	01-04-2015 instead of 01-04-2014
Eligible ReZs due for regularization	D	01-04-2015

However, if any of the ReZ regularized in this order have been found not in conformity with the policy of regularization in vogue, the regularization of such candidate (s) shall be terminated *abinitio*.

The regularization of Rehbar-e-Zirats as Village Agriculture Extension Assistants is subject to: -

- i. Re-verification by the Chief Agriculture Officer/concerned DDOs with regard to having seven years of continuous service from the date of their engagement.
- ii. Verification of their qualification certificates/DOB from the concerned universities/Board of School Education
- iii. Character and antecedences corticated from competent authority.
- iv. Permanent resident certificate.
- v. Certificate from the General Manager DIC to the effect that no loan under self-employment scheme has been taken by the ReZ.
- vi. The regularize shall final an undertaking in the shape of an undertaking to the effect that in case adverse report about his/her character and antecedents is received from the ADGP (CID) J&K. He/She will have no right of regularization as Village Extension Assistants and as such his/her regularization shall be deemed to have been cancelled abinitio.
- vii. If on verification, the certificate produced by the regularize are proved fake or forged, the regularization shall be cancelled abinitio.
- viii. Any other certificate that may be required under rules.
- ix.



(Showkat Ahmed Beigh)
Director Agriculture
Kashmir

Enclosures:(A to D)

No:Agri/Esstt/Gaz/2015-16/4987-5020

Dated: 26 -03-2016

Copy to the: -

1. Commissioner/Secretary to Government, Agriculture Production Department Civil Secretariat Jammu for favour of information.
2. Joint Director Agriculture Inputs/Extension/Engineering/PCM
3. Chief Agriculture Officer Srinagar/Gbl/Bdpr/Kup/Bla/ Bud/Pul/Shp/Kul/Ant/Leh/Kgl.
4. Agriculture Chemist/Soil Survey Officer/Mushroom Specialist/Seed Pathologist/Agrostologist/Dy.Director Law Enforcement/FTC Ganderbal
5. Floriculture Development Officer Lalmandi Srinagar
6. Floriculturist/Potato Development Officer/Divisional Seed Certification Officer/Seed Analyst/Assistant Entomologist/Manager S.M.Farm Padgampora
7. I/C Legal Section Directorate of Agriculture Kashmir
8. Accounts Officer Directorate of Agriculture Kashmir
.....for information.