

**Government of Jammu and Kashmir**  
**Directorate of Agriculture Kashmir**

**Subject: Final Seniority list of Agriculture Extension Assistants of Agriculture Department Kashmir Division.**

**Reference: Tentative Seniority List issued under Agriculture Order No: 297/Estt of 2018 Dated: 26.09.2018**

**Agriculture Order No: 31/Estt. of 2019.**

**D A T E D : 14/ 01 / 2019.**

Whereas, tentative Seniority list of Agriculture Extension Assistants stands notified vide this office order No: 297/Estt of 2018 Dated: 26.09.2018 which is reproduced as under: -

Whereas, in pursuance of Cabinet decision No. 248/14 dated: 23.10.2006 endorsed vide Government Order No: 20-Agri of 2007 dated: 06.02.2007 sanction was accorded for engagement of unemployed Agriculture Graduates as Rehber-e-Zirats on a monthly stipend of Rs. 1500/- with effect from April 2007 and accordingly all Agriculture Graduates were asked to register themselves before concerned Chief Agriculture Officers of the Valley.

Whereas, (1331) applications were received by concerned Chief Agriculture Officers of Kashmir Division from the Agriculture Graduates, and the details were referred to Administrative Department vide this office No: Agri/Estt/Gaz-RZ/4020 dated: 13.03.2007 consequent upon this authorization was accorded by Agriculture Production Department vide communication No: Agri/NG/53/2002-Genl dated: 09.03.2007 and No. Agri/NG/53/2002-Genl dated: 30.03.2007 (1331) Agriculture Graduates were accordingly engaged as Rehbar-e-Zirats, vide Agriculture Order No. 75/Estt. of 2007 dated: 30.03.2007 with terms and conditions as recasted in the said Order.

Whereas, in the meanwhile, Agriculture Production Department vide circular No: Agri/NG/53/2002-Genl, dated 18-04-2007 directed that Agriculture/ Horticulture Graduates be allowed to continue in other organizations/projects/research etc, subject to their applications in this behalf and would continue to be registered as Rehbar-i-Zirat under the scheme but will not be entitled for the monthly stipend, for the period such Agriculture/Horticulture graduates remain on such engagement.

Whereas, in pursuance to Administrative Department's communication No: Agri/NG/53/2002-Genl dated: 31.05.2007 (34) Agriculture graduates in addition to (1331) Rehber-e-Zirats, were engaged as Rehbar-e-Zirats vide Agriculture Order No. 138/Estt. of 2007 dated: 02.06.2007, No. 140/Estt. of 2007 dated: 07.06.2007, No. 169/Estt. of 2007 dated: 24.07.2007, No. 187/Esst. of 2007 dated: 27.08.2007, No. 276/Estt. of 2007 dated: 04.12.2007 , No. 78/Estt. of 2008 dated: 22.03.2008, No. 191/Estt. of 2008 dated: 20.06.2008 and No. 251/Estt. of 2008 dated: 09.08.2008.

Whereas, the information was sought from concerned Chief Agriculture Officers of the valley in order to ascertain the number of Rehbar-e-Zirats actually working in the department and as per the details received from the Chief Agriculture Officers it was established that only (1004) number of Rehbar-e-Zirats were actually working in the department out of 1365 (1331+27+7) Rehbar-e-Zirats engaged by the department in pursuance to orders referred above.

Whereas, in a significant move a Regularization Policy for Rehbar-e-Zirats as Village Agriculture Extension Assistants (VAEAs) was notified vide Government Order No: 235-Agri of 2011 dated: 10.08.2011 which envisaged that only registered Rehbar-e-Zirats will be regularized with conditions which are reproduced as:

1. That the candidates 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 i.e. October 2006.
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, vide Govt. Order No: 378-Agri of 2013 dated: 28.11.2013 Government constituted a Divisional Level Committee for finalizing of the list of eligible Rehbar-e-Zirats to be regularized in three phases starting from 01.04.2014 with following terms of references:-

- i. The list shall be prepared on the basis of weight-age to qualification obtained on or before cutoff date i.e. October 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, (2642) No. posts of Village Agriculture Extension Assistants in the Pay Band of Rs. 9300-34800+GP 4200/- (PR) were created vide above referred order No & Date and regularization of Rehbar-e-Zirats was to be completed in three phases i.e. 01.04.2014, 01.04.2015 and 01.04.2016.

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:

<b>Criteria No.</b>	<b>Condition</b>
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 reads 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 ensuing 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, a list of 1004 Rehbar-e-Zirats was sent to Agriculture Production Department along with recommendations of the committee constituted for the purpose as below:

- 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 by Agriculture Production Department vide 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 Criteria No :2 of Government Order No.378-Agri of 2013 dated 28-11-2013 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: 10<sup>th</sup> of August, 2015 and condition No. 2 in Government Order No. 378 -Agri of 2013 dated: 28<sup>th</sup> 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 judgment 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 praying therein to undertake fresh process of regularization of Rehber-e-Zirats 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 a committee headed by Vice Chancellor, SKUAST-K vide Govt. Order 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 Agriculture Production Department desired to implement the judgment passed in the matter communicated vide No. Agri/NG/REZ/legal/45/2014 dated: 23.04.2015.

Whereas, in compliance to Administrative Department's letter No. Agri/NG/Legal/69/2014-PF dated: 03.07.2015, it was felt necessary to review this office Order No. 281/Estt of 2014 Dated: 23.06.2014 whereunder (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 was 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 1<sup>st</sup> Phase vide Agriculture Order No: 281/Estt of 2014 Dated: 23.06.2014 was reviewed and accordingly were to be placed in the 2<sup>nd</sup> 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 necessitated formulation of a Revised list of 440 regularized Rehber-e-Zirats 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 a new list of (412) Rehber-i-Zirats 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 were not due for regularization as per rules in vogue and criteria and were to be assigned appropriate positions 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 in respect of (441) Rehber-e-Zirats was submitted to the Agriculture Production Department vide No: Agri/Esstt/2015-16/1417-18, dated 14-08-2015, No: Agri/Esstt/Gaz/1871 dated: 02-09-2015, No: Agri/Esstt/Gaz/2464, dated 27-10-2015, No: 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, the Administrative Department, after examining the proposal in consultation with Law Department on the import of Honb'le High

Court direction dated 31-03-2015 in the LPA No: 33/2015 titled Nisar Ahmed Denthoo and others versus Dr Majid Ali & Others conveyed the approval to the regularization of the eligible Rehber-e-Zirats for phase 2<sup>nd</sup> with effect from 01-04-2015 in accordance with the policy contained in the Government No: 235-Agri of 2011 dated 10-08-2011 read with Government Order No: 378 - Agri of 2013 dated 28-11-2013, subject to the following conditions:

- i. It will be ensured that the list Rehber-e-Zirats to be regularized now (2015-16) is dully 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 review 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, 210 Rehber-e-Zirats out of which 37 Rehber-e-Zirats (proforma respondents) already regularized, competed before the Hon'ble High

Court in the LPA No.33/2015 titled Nisar Ahmad Denthoo & Others, details whereof is given as hereunder.

<b>Title of the case</b>	<b>Nissar Ahmad Denthoo &amp; Others V/S State &amp; Others in LPA No.33/2015</b>
No.of appellants	40
No.of contesting respondents	76
No.of proforma respondents yet to be regularized	57
<b>Total</b>	<b>173</b>

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 172.

Whereas, the regularization of remaining 172 Rehber-e-Zirats competing before the Hon'ble High Court in various court cases/LPAs was put on hold, in view of condition No. V above communicated by Agriculture Production Department and their regularization was subject to the culmination of the legal proceedings in competent courts that too after the approval of the Administrative Department.

Whereas, the case of 17 Rehber-e-Zirats 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 1<sup>st</sup> phase vide Agriculture Order No.281/Estt of 2014 dated 23-06-2014 was reviewed and were considered for regularization w.e.f 01-04-2015.

Whereas, 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, 267 number of Rehber-Zirats were regularized as Village Agriculture Extension Assistants in the pay band of Rs. 9300-34800 +GP 4200 who have completed 7 years of continuous services/ and were not linked to any of the court cases pending before the Hon'ble High Courts for final disposal of the matter in capacity as Appellants, Contesting Respondents or Proforma Respondents w.e.f 01-04-2014 & 01-04.2015 vide Agriculture Order No: 67/Estt of 2016, dated: 26.03.2016.

Whereas, Nisar Ahmed Denthoo and others V/S Dr Majid Ali & others moved an application before the Division Bench seeking withdrawal of LPA No: 33/2015 which was allowed by the Division Bench on 06-04-2016 and accordingly Division Bench was pleased to to pass an order which reads as:

***“This application, seeking withdrawal of LPA 33/2015, is allowed. LPA 33/2015 is dismissed as withdrawn along with CMP 02/2016 and other connected IAs. Interim directions, if any, shall stand vacated.*”**

Whereas, the dismissal of the LPA No: 33/2015 from the Division Bench restored the single bench judgment passed in the matter of Dr Majid Ali and Others V/S State and Others on 31-12-2014.

Whereas, the Government had filed sleeve of LPAs against the single bench judgment which were at the threshold of COD which has been dismissed by the Hon'ble Division Bench on 11-05-2016.

Whereas, the Government while framing the policy notified vide Government order No: 235-Agri of 2011 dated 10.08.2011 has been empowered the Government to relax under Rule 09 of the policy which reads as :

Whereas, the Government is satisfied that the operation, if any, of these rules has caused undue hardship in a particular case, it may by order for reason to be recorded in writing, dispense with or relax the requirement of that rule to such an extent and subject to such expectations and conditions as it may consider necessary for dealing with the case in a just and equitable manner. Provided that no such order that shall have financial implications, shall be made except with the previous concurrence of the finance Department.

Whereas, in the backdrop of dismissal of CODs by Division Bench the Government convened a high level meeting on 16-05-2016 held under Hon'ble Agriculture Minister and the minutes of which were circulated vide No: Agri/Ng/ReZ/53/202-V dated 17-05-2016. The Commissioner/Secretary Law, Justice and Parliamentary affairs advised the filing of SLP against the judgment in the matter of Dr Majid Ali V/S State and others regarding the higher studies is devoid of merit and as COD has been dismissed by the Division Bench of the Hon'ble High Court vide order date 11-05-2016 as time barred.

Whereas, the Government in the said meeting decided that the regularization process of Rehber-Zirats will be governed by Government policy in vogue and in compliance to Hon'ble court judgment passed in the matter of Dr Majid Ali in SWP No: 2468/2013 on 31-12-2013.

Whereas, the Government formally authorized respective Directors to regularize Rehber-e-Zirats in Phase-II and III vide No: Agri/Ng/ReZ/2002-V dated 26-05-2016.

Whereas, in compliance to the judgment passed in the matter of Dr. Majid Ali and others V/S State and others in SWP No: 2468/2015 and regularization policy notified vide Government order No: 235-Agri of 2011 dated 10-08-2011 sanction was accorded to the regularization of 173 number of Rehber-Zirats left out in Phase-II as found eligible as Village Agriculture Extension Assistant in the pay band of Rs. 9300-34800 +GP 4200 with effect from 01-04.2015 vide Agriculture Order No: 110/Estt of 2016, dated: 30.05.2016.

Whereas, furthermore, sanction was also also accorded for the regularization of 123 Rehber-Zirats as Village Agriculture Extension Assistant in Phase-III as found eligible in the pay band of Rs.9300-34800+GP 4200 with



effect from 01-04.2016 vide Agriculture Order No: 110/Estt of 2016, dated: 30.05.2016.

Whereas, the cadre of Village Agriculture Extension Assistants have been included in Schedule-II of Non-Gazetted Recruitment Rules of Agriculture Department notified vide SRO-442 of 2017, dated: 23.10.2017 as Agriculture Extension Assistants constitutional Class.

Whereas, it has become expedient for the department to have the seniority list issued in respect of Agriculture Extension Assistants as reflected in Schedule-I of SRO-442 of 2017, dated: 23.10.2017 under the provisions of Rule-24 of J&K Civil Services (CCA) Rules of 1956 which reads as:

- (1) The seniority of a person who is subject to these rules has reference to the service, class, category or grade with reference to which the question has arisen. Such **seniority shall be determined by the date of his first appointment to such service, class, category or grade** as the case may be.

Note. 1: The rule this clause will not effect the seniority on the date on which these rules come into force of a member of any service, class, category or grade as fixed in accordance with the rules and orders in force before the date on which these rules come into force.

Interpretation: The words **“date of first appointment” occurring in the above rule will mean the date of first substantive appointment**, meaning thereby the date of permanent appointment or the date of first appointment on probation on a clear vacancy, confirmation in the latter case being subject to good work and conduct and/ or passing of any examination or examinations and/ or tests.

Provided that the inter se seniority of two or more persons appointed to the same service, class, category or grade simultaneously will, notwithstanding the fact that they may assume the duties of their appointments on different dates by reason of being posted to different stations be determined.

The rule further envisages that:

The date from which seniority is to be reckoned may be laid down by rules or instructions:

- a) **On the basis of the date of appointment;**
- b) **On the basis of confirmation;**
- c) **On the basis of regularization of service;**
- d) **On the basis of length of service; or**
- e) **On any other reasonable basis.**

Where a Govt. Servant is appointed substantively to a temporary post, his seniority is to be reckoned from the date when he became the member of the service irrespective of his appointment against the permanent post and confirmation thereto (G.C. Gupta v. N.K. Pandey, AIR 1988 SC 654)

Officiating appointment when confirmed should be reckoned for determining the seniority on the basis of length of service (G.P. Goval v. Govt. of U.P., AIR 1984 SC 1527).

The seniority is to be recorded on the basis of letter of appointment issued on the substantive post.

The Supreme Court laid down the following broad guidelines for determining the seniority:-

1. Where the persons were promoted to the permanent post on officiating basis, they would be treated at par with those appointed to permanent posts in substantive capacity for the purpose of fixing seniority.
2. The seniority is related to the length of continuous service except such service which is not period of fortuitous, stop gap or adhoc appointment.
3. **The inter-se-seniority depend on the date of entry in the grade where the seniority is fixed according to rules on the length of service in that grade**, it is implied that the service to be counted from the date of entry into the service. It does not matter when the seniority list was prepared.

Seniority is to be determined by date of first substantive appointment or appointment on probation on a clear vacancy. Date of passing of competitive examination is irrelevant so far as the fixation of seniority is concerned when the date of appointment is different. (Ashok Kumar Gupta v. State of J&K, SLK 1989 J&K 475).

Rule-24 of C.C & A Rules says that the seniority of a person has reference to the service, class, category or grade with reference to which the question has arisen and that such **seniority shall be determined by the date of his first appointment** in such class, service, category or grade as the case may be. In matter of promotion and seniority it is substantive post that matters. So where a public servant does not hold such post, he is not entitled to the seniority (G.R. Baqual v. State of J&K, AIR 1970 SC 162).

**Once an incumbent is appointed to a post according to rules, his seniority has to be counted from the date of his appointment** and not according to the date of his confirmation where the initial appointment is only adhoc and not according to rules and is made as stop-gap arrangement, the period of officiating in such post cannot be taken into account for reckoning seniority.

Now therefore in light of the above and as per the available records a tentative seniority list of **Agriculture Extension Assistants carrying the revised pay Level-6 (35400-112400)** is hereby notified for general information of all concerned falling in **Annexure-I** to this Order. However, any one, aggrieved with his position assigned to him/ her shall be at liberty to file a representation within a period of (15) days from the date of issuance of this seniority list which must be supported with substantial documentary evidences so that it could be examined for its righteousness within the provisions of rules as otherwise it shall be deemed to be as final seniority list of Agriculture Extension Assistants which constitutes Class-IV, Category-A of Schedule-II of SRO-442 of 2017, dated: 23.10.2017.

The date of birth recorded in this seniority list be not taken authentic as otherwise to be substantiated by Matriculation Certificates issued by the competent authority.

Whereas, in this backdrop representations were received from various aggrieved officials with regard to various issues which have been disposed off on their merits and necessary corrections / updations have been made as per rules in vogue and details of which are annexed to this order as Annexure – II.

Now therefore, final seniority list is notified as per Annexure – I to this order for information of all concerned and is issued without prejudice to the superior claim of others and outcome of writ petition(s) if any, pending before any competent Court(s).

Any person still aggrieved related to their assigned position can prefer an appeal within a period of (21) days as envisaged under CCA Rules 1956.

**Sd/-**  
**(Altaf Aijaz Andrabi)**  
**Director Agriculture**  
**Kashmir**

**No: Agri/Estt/NG/2018-19/4369-4402**

**Dated: 14 -01-2019**

Copy to the: -

1. Commissioner/Secretary to Government, Agriculture Production Department Civil Secretariat Srinagar for favour of information.
2. Joint Director Agriculture Inputs/Extension/Engineering/PCM
3. Chief Agriculture Officer Srinagar/Gbl/ Kup/ Bdpr/ Bla/ Bud/Pul/ Shp/ Ant/ Kul/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. SPO/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 and n/ action.
9. Incharge I.T. Section (DAK) for uploading the seniority lists on the official website.

**Sd/-**  
**Dy. Director Agriculture,**  
**(Central) Kashmir**