



Government of Jammu and Kashmir.
STATE MISSION DIRECTORATE, ICDS, J&K
Haj House, 3rd Floor Rail Head, Jammu.

Subject: Implementation of Court order dated:26-8-2015 passed in SWP NO:1952/2009, Contempt NO:268/2016 titled Neelofar V/s state & Others .

O RDER NO : 519 -SMD of 2017.

DATED : 25-01-2017

Whereas, the above named petitioner (Neelofar) had filed a writ petition bearing No.777/2014 before the Hon'ble High Court at Srinagar.

Whereas, the objections were filed before the Hon'ble High Court by the then Director Social Welfare, Kashmir.

Whereas, the said case was finally disposed of by the Hon'ble Court on 26-08-2015 in the following manner:

"The official respondents are directed to issue order, where under petitioner will be appointed by way of promotion on the post supervisor within one week from the date copy of the order is served on them. Seniority of the petitioner shall be reckoned along with those candidates including private respondents from the date they stand promoted on the post of supervisor. Petitioner however, will be entitled to pecuniary benefits attached to the post of supervisor from the date the promotion order is issued in her favour and she joins on the post. Her seniority in the class/category of supervisors shall be determined in accordance with the rules. The official respondents shall also release the service benefits in favour of the private respondents forthwith.

Whereas, after receiving the above quoted judgment from the Hon'ble High Court the whole matter was scrutinized at Directorate level and it was found necessary to refer the said case to the District Programme Officer, Baramulla / Bandipora vide this office letter No.SMD /ICDS /2015 /1952-2009/10469-70, dated;08-9-2015, followed by order No.223-SMD OF 2015 dated;15-09-2015 a committee comprising of the below mentioned officer was constituted to make a thorough examination of the relevant

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records and furnish the requisite report, enabling this office to proceed further in terms of the above quoted court directions.

1. District Programme Officer, ICDS, Baramulla.
2. District Social Welfare Officer, Baramulla.
3. Child Dev. Project Officer, ICDS Project, Tangmarg,.

Whereas, as the above designated committee vide latter No.DPO /ICDS /Bla/2015/4609 dated:-19-11-2015, furnished a detailed report to this office.

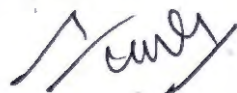
Whereas, after receiving report from the designated committee the matter was referred to the Adm. Department vide this office letter No;SMD/ICDS/Estt/15/17413, dated:-30-12-2015 for further course of action to be taken into the matter.

Whereas, the petitioner (Neelofar) filed a contempt petition bearing No:268/ 2016 against the official respondents for not implementation the judgment dated:-26-08-2015, passed by the Hon'ble High Court in the above numbered main petition.

Whereas, the matter was immediately taken up with the administrative department vide this office latter No: DSWK/WP-119-Dirt-14/227, dated:11-04-2016 with the request to give clear cut directions in light of above quoted court order . Followed by letter No.DSWK/ WP-119-Dirt-14/440, dated:21-04-2016 and letter No:SMD/ICDS/Legal-16/7800, dated:-24-10-2016.

Whereas, the Adm. Department vide latter No.SW/Lit/177/2015-II dated:-27-10-2016 advised this office to place the case of the petitioner before the Department Promotion Committee constituted vide Government order No: 206-SW of 2016, dated:- 06-10-2016, for further necessary action in pursuance of the Hon'ble Court judgment .

Whereas, a meeting of the designated committee was held under the chairman ship of the State Mission Director, ICDS, J&K on 02-01-2017 and the case of the petitioner was placed before the DPC (Departmental Promotion Committee) constituted vide above quoted Government order.



Whereas, the committee was informed that the below mentioned (6) AWWs are ahead of the petitioner:-

S.No	Name of the AWW	Date of engagement	Qualification at the time of engagement	Present qualification	Year of passing	Position in seniority list of 2011
01.	Farooqa Mir	28-10-1985	Under Matric	Matric (Adeeb)	2007	05
02.	Haneefa	28-10-1985	Under Matric	Matric	2008	12
03.	Rafiqqa	28-10-1985	Under Matric	Matric (Adeeb)	1989	13
04.	Naseema	28-10-1985	Under Matric	Matric (Adeeb)	1997	14
05.	Fareida	28-10-1985	Under Matric	Matric	1987	15
06.	Jamida	28-10-1985	Under Matric	Matric	1988	16

Whereas, the committee considered these cases as well, however, the DPO, ICDS, Baramulla could not present the final updated seniority list, and other service particulars before the committee, so their cases were deferred. However, the committee decided that the directions of the Hon'ble High Court passed in SWP No. 1952/2009 titled Neelofar V/s State & others be implemented in respect of petitioner (Neelofar) by elevating her to the post of supervisor in accordance with court directions. Whereas, the cases of the other AWWs of District Baramulla be placed with all relevant documents before DPC in its next meeting.

Now keeping in view the above position and in order to implement the above quoted court directions of the Hon'ble High Court in letter and spirit, it is hereby ordered that Mst. Neelofar W/O. Altaf Ahmad Beigh R/O Kralweith, Tangmarg, District Baramulla is appointed as Supervisor in the pay scale of Rs.5200-2400-20200 plus usual allowances as applicable with immediate effect. The appointee shall report to District Programme officer,

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ICDS, Baramulla for further posting. The DPO Baramulla shall allow the appointees to join after production/verification of following original certificates.

1. Academic qualification.
2. Date of birth certificate.
3. Permanent Resident Certificate (State Subject).
4. Basic engagement order as Anganwadi Worker.
5. Category certificate (if any).
6. Character and antecedents.
7. NDC from Employment Department/DIC/WDC.
8. Certificate from concerned CDPO that Anganwadi Worker figuring in the seniority list has continuously rendered/performed their duties since their engagement to till date.
9. Certificate from concerned CDPO that if during honorary service they have attained/acquired any degree leave record has been maintained and no honorarium has been paid to her during the period.
10. The appointees shall be on probation period for a period of two years and the inter-se seniority of the appointees will be decided separately as per rules.
11. This order is also subject to the outcome of writ petition(s) if any pending before the competent court.

Further, the salary of the appointee shall be drawn in terms of guidelines for new pension scheme in vogue (NPS). The pay of the appointee shall be drawn only after receipt of verification of other character and antecedents from Additional Director General of Police (CID), the concerned DDO shall verify / authenticated /check the original documents, qualification certificates/DOB and PRC from the concerned office /institute /department she has obtained these certificates. If, on verification, the certificates(s) produced by the appointee prove to be fake or forged, the appointment shall stand cancelled abi-nitio.

Sd/-

Talat Parvez(kAs)
State Mission Director (ICDS)
Jammu & Kashmir.

NO: SMD/ICDS/Estt/ 2193-98

Dated: 25-01-2017

Copy to the:

- 1 Secretary to Govt. Social Welfare Department J&K, Civil Secretariat Jammu for information.
- 2 District Programme Officer, ICDS, Baramulla for information and necessary action.
- 3 Child Dev. Project Officer, ICDS, Project Kunzer for information.
- 4 Mr. Hashim Hussain Deputy Advocate General, J&K High Court, Srinagar for information with the request to apprise the Hon'ble Court accordingly.
- 5 Concerned for compliance.
- 6 Office Order file.

Pram Singh

Joint Director (SMD)