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

**Subject:-Implementation of Court order dated;26-08-2015 passed  
by Hon'ble High Court in SWP NO:1952/2009 ,Contempt  
No;268/2016 titled Neelofar V/s State & others- Representation of  
Masoorah thereof R/O;Tangmarg-Baramulla .**

ORDER NO: 407-SMD OF 2016  
DATED: 20-12-2016

Whereas the erstwhile Divisional level selection Committee constituted vide Government order No.280-SW of 2008 dated: 25.06.2008 held its meeting on 25.05.2011 under the Chairmanship of then Director Social Welfare Department, Kashmir.

Whereas the Committee was informed that (09) Posts of supervisors are available for matriculate Anganwadi Workers to be elevated as supervisors as per seniority list issued by the DPO, ICDS, Baramulla /Bandipora vide No:DPO/ICDS/Estt/2011/839-40 dated:30-5-2011.

Whereas the Committee was informed that Smt. Champa Kali and Mtr.Farooqa Mir figuring at S.No.01 & 05 respectively have produced fake qualification certificates to the department and both the Anganwadi Workers have been booked in FIR No.46/2007 u/S 420,467 RPC registered in police station Shaheed Gung, Srinagar.

Whereas, the Committee decided to elevate the following Anganwadi Workers to the post of Supervisor.

S.No.	Name of the AWW	Position in the Seniority List	Remarks
1.	Shamima Akther	02	General
2.	Tahira Akhter	03	General
3	Nishat	04	General
4	Mymoona Parveen	07	RBA
5	Rafiqa Akhter	06	General
6	Zamrooda	08	General
7	Sarwa	09	General
8	Mahjoora	10	General
9	Masroora	11	General

Whereas the Committee has also decided to publish the list of eligible Anganwadi Workers who have been considered for the post of supervisors for inviting the objections within (07) days from the date of its publication.



Whereas the list has been published in the print media for inviting objections, if any. However, no objection were been received from any candidate regarding the issue.

Whereas, before issuing the formal engagement orders to the elevated candidates. Mtr. Neelofar (petitioner in SWP NO:1952/2009) obtained an interim order on 10-06-2011 from the Hon'ble High Court. The said order is reproduced as under:-

*"In the mean time, if the respondents the process of promotion in that eventuality one post be kept unfilled"*

Whereas in compliance of above quoted court directions, the Committee issued formal engagement order bearing No:554-DSWK of 2011 dated:11-10-2011 in favour of only eight candidate and the engagement order in favour of Masoora was not issued.

Whereas, the objections were filed by the department in SWP No:1952/2009 before the Hon'ble High Court.

Whereas, the SWP NO.1952/2009 was finally disposed of on 28.08.2015 by the Hon'ble High Court .The operative part of which is reproduced as under:-

*The official respondents are directed to issue order, where under petitioner will be appointed by way of promotion on the post of supervisor within one week from the date copy of this order is served on them. Seniority of 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 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, Mtr. Masoora filed a representation before this office with the request that the Hon'ble Court has now disposed of the case filed by the Neelofar and further her appointment order as supervisor may be issued in her favour with retrospective effect.

Whereas the case of the petitioner as well of Mtr. Masoora was forwarded to the Adm. Department for further order/instructions.

Whereas in the meanwhile Mtr. Neelofar filed the a contempt bearing No:268/2016 against the official respondents for not implementing the court directions dated:26.08.2015 .

Whereas the matter was again taken with the Adm. Department, who in turn vide letter No:;SW/Lit/177/2015-II dated:27-10-2016 directed this office to conduct DLPC and the place the cases before the designated committee.

Whereas a meeting of the Divisional Level Promotion Committee was held on 20-12-2016 and the cases were thoroughly scrutinized by the committee.

Whereas, it was observed that five Anganwadi Workers are ahead of the petitioner (Neelofar).

Whereas, the District programme Officer, ICDS was not present in the meeting, so these five cases could not be clarified.

Whereas, the Committee decided that the DPO, ICDS, Baramulla shall furnish a fresh seniority list of matriculate Anganwadi Workers by or before 25-12-2016.

Whereas, the DLPC noted that Mtr. Masoora has been already cleared by the DLPC held on 06-06-2011 and there is no need to reconsider her case. It was also



decided that in case vacancy is available, DLPC does not see any infirmity in issuing orders in her favour.

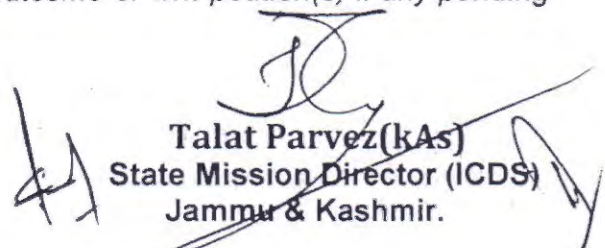
Whereas, it was found that a number of vacancies are available in district Baramulla under promotion quota,

Now, therefore, in view of the above position and in order to prevail justices, the case of the Mtr. Masoora (who was already cleared by the DLPC) having being considered. It is observed that the claim of the Mtr. Masoora is acceptable. It is ordered that Mtr. Masoora D/O: Peer Mohammad Yusuf R/O: Ogmuna, Tangmarg, AWW, ICDS Project Kunzer is hereby appointed as supervisors with immediate effect. The appointee shall report to District Programme Officer, Baramulla for further posting. The DPO 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 have 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 them during the period

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.

This order is also subject to the outcome of writ petition(s) if any pending before the competent court.

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

NO: SMD/ICDS/Legal/2016/12263-68

Dated: 20-12-2016.

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/Tangmarg for information.
- 4 Mr. Hashim Hussain Deputy Advocate General, J&K High Court, Srinagar for information with the request to apprise the Hon'ble High Court accordingly.
- 5 concerned for compliance
- 6 Office Order file.