



Government of Jammu and Kashmir  
Cooperatives Department  
Civil Secretariat, J&K, Jammu

**Subject:** Implementation of the judgment/ order dated 22.04.2011 passed by the Hon'ble High Court, J&K, Srinagar in SWP No. 812/2008 titled Ghulam Ahmad Reshi & Ors. V/s State of J&K & Ors. in respect of all the employees of erstwhile CONFED, who were absorbed in the Government Departments.

**Government Order No. 08 -Coop of 2018**  
**Dated: 21 -01- 2018**

Whereas, vide Cabinet Decision No.109/12 dated 15.07.1999, J&K Cooperative Consumer Federation Ltd; (CONFED) was ordered to be wound up with the stipulation that the employees of the erstwhile CONFED will be suitably adjusted and;

Whereas, after abolition of CONFED a writ petition bearing SWP No 1839/1999 was filed by the erstwhile employees of the CONFED titled Mohd Yousuf Magrey and Others V/s State and Others, which was decided vide judgement dated 30.09.2005 with the following direction:-

- a. The Government shall implement the Cabinet Decision No.109/12 dated 15.07.1999 and for that purpose should constitute a committee of officers within a period of one month.***
- b. The committee so constituted shall look into the suitability of the petitioners for their permanent adjustment in the Government Department. The committee shall find out as to whether the petitioners were suitable for their adjustment in the Government Department i.e. whether they fulfill the other conditions such as qualification, health condition, permanent resident etc. for Government employment. Those who are found suitable should be offered posts commensurate with their qualification and the pay scale which they were holding in the CONFED. Those not found suitable for Government job due to lack of qualification or any other***

**reasonable clause shall be offered the Golden Handshakes and;**

Whereas, vide Government Order No. 37-Coop of 2006 dated 21.01.2006 a committee was constituted in compliance to the said directions of the Hon'ble High Court, which finalized its finding and thereafter 87 employees of erstwhile CONFED were adjusted in the Government Departments from time to time vide Government Order No's. 26-Coop of 2007 dated 26.10.2007, 24-Coop of 2010 dated 27.10.2010, 15-Coop of 2015 dated 01.06.2015 and 40-Coop of 2017 dated 26.10.2017 and;

Whereas, among the adjusted employees, 48 employees filled different writ petition before the Hon'ble High Court, J&K Srinagar for counting of their services rendered by them in the erstwhile CONFED, a Society, before their adjustment in the Government Services alongwith other service benefits and;

Whereas, the first writ petition bearing SWP No. 812/2008 titled Ghulam Ahmad Reshi and Ors. V/s State of J&K & Ors. which was disposed of by the Hon'ble High Court, Srinagar on 22.04.2011 with the following directions:-

***"For the reasons discussed, the writ petition is disposed of with a direction to the respondents to place the petitioners in the grade in which they were working in CONFED, release annual increments in said pay scales and pay arrears, if any, accruing to them in wake of such placement. The respondents are further directed to count the services of the petitioners rendered by them, in the CONFED towards their total period of service, which they will spend in the Cooperative Department, after their permanent absorption and on that basis, consider their cases for time bound promotion and pensionary benefits".***

Whereas, the said judgement dated 22.04.2011 was challenged in LPA No.202/2011 titled State of J&K & Ors. v/s Ghulam Ahmed Reshi & Ors. and the same was disposed of by the Hon'ble Division Bench on 06.08.2015 with following observations:-

***"In the aforementioned backdrop, the impugned judgment cannot be said to be flawed, warranting any interference. We, therefore, find that the appeal in hand lacks merit, which is, accordingly, dismissed along with CMP. Interim direction, if any, shall stand vacated forthwith."***

Whereas, an SLP No. (C)17801/2016 titled State of J&K and others v/s Ghulam Ahmed Reshi and Others was filed before the Hon'ble Apex Court, against the order dated 06.08.2015 passed in LPA No 202/2011 and the Hon'ble Apex Court vide order dated 26.09.2016 has been pleased to dismiss the said SLP, and;

Whereas, the matter was submitted to the Chief Secretary, J&K for orders, the same has been returned by the General Administration Department vide its U.O.No. GAD(Adm)15/2007-I dated 09.11.2017 with the following advice:-

***"The Cooperative Department is advised to implement the judgement passed in SWP No. 812/2008 titled Ghulam Ahmad Reshi & Others v/s State of J&K & Ors in totality. The Department is further advised to seek reasonable time from the Hon'ble High Court for implementation of the judgement in its totality, as the implementation of the judgement would involve determination of the promotion of the petitioners against various posts vis-à-vis their immediate senior/junior in the said service/department."***

Whereas, the Hon'ble High Court, J&K, Srinagar has disposed of remaining seven writ petitions bearing SWP No's. 1387/2008, 1205/2011, 2723/2012, 905/2013, 1849/2010, 2678/2011 & 2687/2015, which were upheld by the Hon'ble Division Bench, in LPA No's .2723/2012, 905/2013, 1849/2010, 2678/2011 & 2687/2015, on the analogy of SWP No.812/2008 titled Ghulam Ahmad Reshi & Ors. V/s State of J&K & Ors. and;

Whereas, the matter was taken up with the General Administration Department vide U.O. No. Coop/Legal/99/2015 dated 06.12.2016 and vide U.O. No. Coop/Legal/10/2016 dated 19.12.2016 for implementation of judgments passed by the Hon'ble High Court in the above said writ petitions ,and;

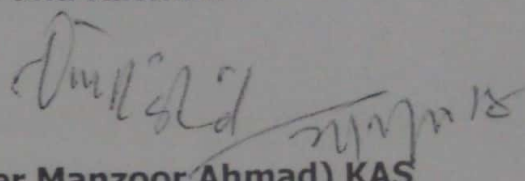
Whereas, the General Administration Department vide U.O No. GAD (Adm) 15/2007-V dated 31.01.2017 advised as under:-

***"The Department is advised to implement the judgement passed by the Hon'ble Division Bench in respect of all the surplus employees of CONFED, who were absorbed in all Government Departments, pursuant to the Cabinet Decisions, to avoid any further litigation."***

Now, therefore, in view of the above and in compliance to the orders/judgments passed by the Hon'ble High Court of J&K at Srinagar in SWP No's., 1205/2011, 2723/2012, 905/2013, 1849/2010, 2678/2011 & 2687/2015, coupled with the advice of General Administration Department, sanction is accorded to the implementation of the judgment dated 22.04.2011 passed by the Hon'ble High Court at Srinagar in SWP No.812/2008 titled Ghulam Ahmad Reshi & others V/s State of J&K & others affirmed in LPA No. 202/2011 dated 06.08.2015, in respect of 51 employees of erstwhile CONFED forming **Annexure "A"**, who were absorbed in the Cooperatives Departments vide Government Order No's. 24-Coop of 2010 dated 27.10.2010, 15-Coop of 2015 dated 01.06.2015 and 40-Coop of 2017 dated 26.10.2017, by giving them the benefit of grades, which they were holding in the erstwhile CONFED, release of annual increments/pay arrears, if

any, accrued to them from the past service and counting of their service rendered in the erstwhile CONFED for the service benefits like in-situ promotions and pensionary benefits.

**By Order of the Government of Jammu and Kashmir.**

  
**(Peer Manzoor Ahmad) KAS**  
Deputy Secretary to Government,  
Cooperatives Department

Dated 21-02-2018

No: - Coop/Legal/10/2016

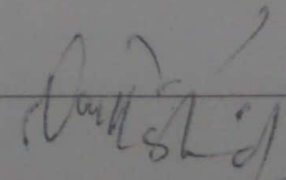
Copy to the:

1. Principal Accountant General, J&K.
2. Principal Secretary to Government, Finance Department.
3. Commissioner/Secretary to Government, General Administration Department.
4. Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
5. Registrar Cooperative Societies, J&K, Jammu for implementation and compliance
6. Director, Archives, Archaeology and Museums, J&K, Jammu.
7. OSD to Hon'ble Deputy Chief Minister, J&K for information of the Hon'ble Deputy Chief Minister.
8. Additional Advocate General (Cooperatives Department) J&K High Court, Srinagar for information and necessary action.
9. Liquidator, erstwhile CONFED with the request to furnish the statement of outstanding, if any pending against the employees of erstwhile CONFED, who were absorbed in the Government Departments to RCS, J&K and concerned DDO's.
10. All concerned DDO's (Cooperative Societies) for information and necessary action.
11. Private Secretary to Hon'ble Minister for Ladakh Affairs and Cooperatives for information of the Hon'ble Minister.
12. Private Secretary to Hon'ble Minister of State for Cooperatives, Forest, Environment & Ecology, J&K for information of Hon'ble Minister.
13. Private Secretary to Chief Secretary, J&K for information of the Chief Secretary.
14. Private Secretary to Secretary to Government, Cooperatives Department for information of Secretary.
15. P.A to Additional Secretary to Government, Cooperatives Department for information of Additional Secretary.
16. Concerned file.
17. I/C Website for uploading of Government Order on the Departmental Website.
18. Government order files(w.3.s.c). †

**Annexure "A" to Government Order No. 08 -Coop of 2018**

**Dated: 21-02-2018**

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|------------------------------|-----------------------------|
| 1. M Amin Wani,              | 27. Janak Singh Guleria,    |
| 2. M. Rajab Gojree           | 28. Bashir Ahmad Malik,     |
| 3. Nazir Ah Shah,            | 29. Vinay Passi,            |
| 4. M. Ashraf Shiekh,         | 30. Hira Lal Raina,         |
| 5. M. Altaf Gilkar,          | 31. Mahraj Krishan Bhat,    |
| 6. Sajad Ah Mir,             | 32. Suresh Kumar Shah,      |
| 7. Gh. Hyder Khan,           | 33. Mohammad Sharief Bhat,  |
| 8. Bashir Ahmad Rather,      | 34. Mohammad Yousuf Bhat,   |
| 9. Shabnum Nigar,            | 35. Hassina Akhtar.         |
| 10. M. Maqbool Bhat,         | 36. Mohammad Ayoub Shalbat  |
| 11. Ab. Satar Malik,         | 37. Mohammad Maqbool Malla, |
| 12. Bashir Ah. Bhat,         | 38. Manzoor Ahmad Sheikh,   |
| 13. Abdul Gani Paul,         | 39. Bashir Ahmad Bhat,      |
| 14. Altaf Ahmad Mir,         | 40. Hameeda Bano,           |
| 15. Mushtaq Ahmad Bhat,      | 41. Noor Mohammad Dar,      |
| 16. Yash Pal Arora,          | 42. Mohammad Maqbool Khan,  |
| 17. Ashok Kumar Langoo,      | 43. Mohammad Shafi Dar,     |
| 18. Mohammad Yousif Margray, | 44. Mohammad Ayoub Magray,  |
| 19. Masood Ahmad Shah,       | 45. Mohammad Ramzan Mir,    |
| 20. Gh. Ahmad Rather,        | 46. Bashir Ahmad Pandit.    |
| 21. Mohammad Amin Wani,      | 47. Farooq Ahmad Bhat,      |
| 22. Mohammad Altaf Zarger,   | 48. Ali Mohammad Dar,       |
| 23. Nazir Ahmad Sofi,        | 49. Adbul Gani Lone,        |
| 24. Farooq Ahmad Ganai,      | 50. Ms. Fancy Hafiz,        |
| 25. Habibullah Naikoo,       | 51. Kharati Lal.            |
| 26. Bashir Ahmad Hurra       |                             |

  
**(Peer Manzoor Ahmad)KAS**

Dy. Secretary to Government,  
Cooperatives Department.