



01

Regular

2021:JKLHC-SGR:8555

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1418/2020
CM(1201/2022) CM(3873/2020) CM(4284/2025).

SHAFAT SULTAN.

...Petitioner(s)

Through: Mr. M. Y. Bhat, Senior Advocate with
Ms. Urba, Advocate.

VERSUS

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Bikram Deep Singh, Dy. AG.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
27.01.2026

01. Heard at length Mr. M. Y. Bhat, learned Senior Advocate assisted by Ms Urba, learned Advocate.
02. The petitioner's first settled service position and positing vis-à-vis the Jammu and Kashmir Energy Development Agency (JAKEDA) emanated from Government Order **No. 49-ST of 2005** dated **26.10.2005**, whereby he came to be adjusted against the post of the Deputy Chief Executive Officer, JAKEDA.
03. On account of his said adjustment/posting as the Deputy Chief Executive Officer, JAKEDA, the



petitioner's lien with the Science and Technology Council came to be ordered terminated with effect from the aforesaid Government Order **No. 49-ST of 2005**, thus confirming that the petitioner's adjustment as the Deputy Chief Executive Officer JAKEDA, though termed as an adjustment, was in fact a regular posting by way of absorption in JAKEDA.

04. At the time when the petitioner was serving as the Deputy Chief Executive Officer (JAKEDA), the respondent **No. 3-** Mr. P R Dhar was holding the post of the Assistant Chief Executive Officer and was thus subordinate to the petitioner. This position stands confirmed from Order **No. 30 of 2009** dated **29.05.2009** issued by the Chief Executive Officer, JAKEDA wherein the petitioner was mentioned at the top of the annexure as I/C CEO with effect from **01.04.2009**, though on a *quasi* permanent basis. Similarly, the respondent **No. 3-** Shri P R Dhar was mentioned at serial **No. 2** as the Assistant Chief Executive Officer also on a *quasi* permanent basis with effect from **01.04.2009**.



05. While on the one hand, in terms of Order **No. 30 of 2009** dated **29.05.2009** issued by the JAKEDA, the petitioner was placed as In-charge, CEO with effect from **01.04.2009**, JAKEDA, but on the other hand, by virtue of Government Order **No. 54-ST of 2009** dated **29.11.2009**, the petitioner, shown as Deputy Chief Executive Officer, JAKEDA, and transferred, was posted in the Office of Project Director (IREP) along with post, with immediate effect.

06. With respect to the petitioner's status, Government Order **No. 11-ST of 2011** dated **12.03.2012** cleared the air by ordering that the purported termination of lien of the petitioner from IREP/JAKEDA effected vide Government order **No. 44-ST of 2011** dated **01.06.2011** to stand withdrawn, meaning thereby that the petitioner's parent department, which is JAKEDA, was restored to him and that is the reason for issuance of Government Order **No. 36-ST of 2014**, in terms whereof the petitioner was transferred on deputation with benefit of grade as the Deputy Chief Executive



Officer, JAKEDA to the J&K State Council for Science and Technology against the available post of Additional Director.

07. Prior to issuance of Government order **No. 36-ST of 2014**, the petitioner by virtue of Government Order **No. 37-ST of 2013** dated **08.03.2013** was posted as Technical Officer to the Commissioner/Secretary to Government, Science and Technology Department.

08. The petitioner came back to JAKEDA as CEO by virtue of Government order **No. 98-GAD of 2015** dated **27.01.2015** whereby he was posted as the Chief Executive Officer, JAKEDA.

09. The petitioner found his name missing from the restructuring of the Cadre of JAKEDA which came to take place by virtue of Government order **No. 41-STA of 2017** dated **31.07.2017** and that was the initial cause of action which finally culminated in the passing of the impugned communication dated **07.09.2020** by the General Administration Department (GAD) relatable to respondent **No. 3**.

10. From his position as CEO, JAKEDA, the petitioner was thereafter transferred to the post of



Mission Director (ICPS) and subsequently as Managing Director, J&K Horticulture, Produce, Marketing and Processing Corporation with reference to retention of his lien and promotion prospects in the parent organization.

11. The very fact that Government Order **No. 1525-GAD of 2018** dated **09.10.2018** relates the petitioner to his parent organization clearly indicates that the said parent organization is none else than JAKEDA.

12. At the time of institution of the writ petition, the petitioner was in a state of service wilderness and continues to be so as on date as well and that is the reason which constrained this Court in terms of order dated **29.12.2025** to solicit an affidavit from the end of respondent No. 1.

13. Today Mr. Bikram Deep Singh, learned Deputy Advocate General submits that he has the affidavit of Dr. Shahid Iqbal Chowdary, Commissioner/Secretary to Government, Science and Technology Department, J&K which is the parent department of both the Jammu and Kashmir Science and Technology Council as well as JAKEDA.



14. Mr. Bikram Deep Singh, learned Deputy Advocate General intends to file the said affidavit in the course of day itself but has shared a copy of the same for the perusal of this Court. A reading of the affidavit would show that even the Commissioner/Secretary to Government, Science and Technology Department, J&K is struggling to conclude the status of petitioner's lien, seniority and absorption in JAKEDA/JKST and IC.

15. This Court reserves its observations with respect to the recitals so made till the filing of the affidavit. Let needful be done.

16. List in continuation on **29.01.2026**, with liberty to mention.

(RAHUL BHARTI)
JUDGE

SRINAGAR
27.01.2026
Bisma Jan.