

**Government of Jammu and Kashmir**  
**Office of the Controller Legal Metrology Department, J&K**  
SDA Colony, Bemina Srinagar, 190010/Transport Nagar, Harwal, Jammu, 180004

**Subject :** Consideration/ Speaking Order in compliance to Hon'ble Central Administrative Tribunal, Srinagar Bench Order dated 08.05.2023 in passed O.A No. 317/2023 titled Mr. Khurshid Ahmad Pandit Vs UT of Jammu and Kashmir & Ors.

**Reference :-** 1. This Office Order No. 33-LM of 2023 dated 13.04.2023.  
2. Hon'ble Central Administrative Tribunal, Srinagar Bench Order dated 08.05.2023 in O.A No. 317/2023

**Order No . :-** 53 - LM of 2023  
**Dated :-** 26 - .05.2023

Whereas, a tentative seniority list of Manual Assistants Grade-II (Divisional Cadre Kashmir) inviting objection from all members of the cadre was issued vide circular No. 54 of 2018 dated 22.06.2018 and subsequently a final seniority list of Manual Assistant Grade-II (Kashmir Division) vide Order No. 76-LM of 2018 dated 28.08.2018 was issued;

Whereas, a tentative seniority vide Order No. 82-LM of 2019 dated 10.04.2019 was issued and no objection was received from any of the members of the cadre and accordingly the final Seniority list of Manual Assistants grade-II was updated vide Order No.118-LM of 2019 dated 14.05.2019;

Whereas, as per the record, Mr. Khursheed Ahmad Pandith, Manual Assistant G-I (the then Manual Assistant Grade-II) neither claimed to have acquired any higher qualification nor objected to his qualification viz Matric as was mentioned in the said tentative seniority lists and the subsequent final Seniority Lists.

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Whereas, a tentative seniority list of Manual Assistants Grade-I (UT Cadre) of Legal Metrology Department inviting objections from all the members of the cadre with regard to positions assigned to them, qualification, date of birth, date of entry into Govt. Service and date of entry in present grade, within a period of 14 days from the date of issuance of the said tentative seniority list, was issued vide Circular No. 16-LM of 2021 dated 07.12.2021; and

Whereas, objections from following officials with regard to qualification mentioned against each in the tentative seniority list were received within the prescribed/ stipulated time period of 14 days: -

S. No.	Name of the official	Claimed Qualification /University/ Institute /Mode of Acquiring Higher Qualification /Year
1.	Mr. Peer Nisar Hussain	B.Com /University of Kashmir / Private /Bi-Annual 1996
2.	Mr. Tanveer Ahmad Dar	B.Com /University of Kashmir /Private /Bi-Annual 1996
3.	Mr. Nazir Ahmad Bhat	B.A /IGNOU /Distance Mode /June-2008
4.	Mr. Bashir Ahmad Dar	B.A /Shobit University, Meerut, /Distance Mode /May, 2013
5.	Mr. Tariq Ahmad Bhat	B.A /Shobit University, Meerut, U.P /Distance Mode /May, 2014
6.	Mr. Suresh Kumar	10+2 /JKBOSE /Private /2020 (Bi-Annual) 2020

Whereas, while the Department was in the process of examining the objections of the above officials, Mr. Khursheed Ahmad Pandith, Manual Assistant Grade-I submitted a representation dated 04.05.2022 seeking updation/ inclusion of his higher qualification as "Graduation" instead of "Matric".


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Whereas, the cut-off date for filing any objection to the tentative seniority list was 21.12.2021 i.e. 14 days from the date of issuance of the said tentative seniority list;

Whereas, Mr. Khursheed Ahmad Pandit vide his representation dated 04.05.2022 claimed to have completed his Graduation through distance mode in the year 2019 from William Carey University, Shillong, Meghalaya. However, objection/ representations was not filed within the stipulated/prescribed period of 14 days;

Whereas, perusal of record also reveals that no document regarding permission for pursuing higher studies viz 10+2 and then his claimed "Graduation Course" from the competent authority submitted/ enclosed with the said representation dated 04.05.2022;

Whereas, in view of above, the case of Mr. Khursheed Ahmad Pandit, Manual Assistant Grade-I with regard to his claim of higher qualification viz B.A through Distance Mode in the year 2019 from William Carey University, Shillong, Meghalaya, was forwarded to Administrative Department vide this office letter No. LM/C-Esstt/ 06(e-19)/2017(C.No.150342) dated 16-09-2022, 16-11-2022 and 06-01-2023 along with enclosures viz Marks Sheet of "12<sup>th</sup>" and "Graduation" for ascertaining acceptance/ genuineness and validity of the course /degree obtained from outside the UT/ erstwhile State of J&K;

Whereas, the Administrative Department vide communication No. 7036219/ FCS&CA/LM/12/2022

dated 17-01-2023 advised to settle the matter in light of Rules and Regulations in vogue and accordingly a committee comprising of Joint Controller, Legal Metrology, Jammu and Joint Controller, Legal Metrology, Kashmir was constituted vide office order No. 14-LMJ of 2023 dated 17-02-2023 for examining the matter of acquiring of Higher Qualification through Distance Mode outside the UT of J&K viz-a-viz Genuineness and validity of Degrees;

Whereas, the committee submitted recommendations vide office communication No. LM/JCK/ EStt/F-57/573/2023 dated 13.03.2023 followed by clarifications vide No. LM/JCK /EStt/F-57/610/2023 dated 31/03/2023. The recommendations of the committee are as under:-

Mr. Khursheed Ahmad Pandith, Manual Assistant G-I

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- i. " The employee entered into Govt. service in the year 2004 possessing qualification as matric then. From the perusal of the documents provided by your office, it is being reflected that the official had undergone 10+2 course through distance mode from outside the state (Jharkhand) and the Graduation course (B.A.) from William Carrey University, Shillong, Meghalaya via distance mode. The official has completed the said course from 2017-2019 (03 years). The official has provided three documents (see Annexure-DG1, G2 & G3) during the meeting.....".
  - ii. The official has produced three documents during the meeting which were submitted to your good office along with the committee report for your kind perusal. Apparently, these documents were not submitted to your office earlier by the official.
  - iii. These documents need to be authenticated before arriving at any decision."

Whereas, the committee recommended that documents (Permission, Bonafide, Degree Verification) be authenticated which were not submitted to Controller Office by the official earlier;

Whereas, representation dated 04.05.2022 was re-examined in the department and upon such examination, it was established that there was no record with respect to Class 11<sup>th</sup> of the said official and further, established that the validity/ recognition of Degree/ Course Viz. B.A (Graduation) offered through Distance Mode by William Carey University, Shillong Meghalaya, cannot be considered valid in terms of references at para 2.6, 3.3 and 3.4 of the communication No. REF. 1-107/WCU-UGC/2012-6 DATED 22ND FEB 2019 addressed to University Grants Commission, New Delhi by Registrar, William Carrey University, Shillong, Meghalaya.

Whereas, the validity/ recognition of Degree of Course Viz B.A (Graduation) offered through Distance Mode outside the UT of Jammu and Kashmir is neither acceptable not tenable in view of regulatory instructions/guidelines issued by Government vide Government Order No. 252-HE of 2012 dated 30-05-2012 and Circular No. FD-Code/166/2021003 dated 18-07-2022 and also the distance mode Courses offered by William Carey University lack requisite approvals for the year 2014 to 2022 from Distance Education Council / Bureau of DEC / DEB (Distance Education Bureau);

Whereas, final Seniority of Manual Assistant Grade-I (UT Cadre) came to be issued vide Order No. 33-LM of 2023 dated 13-04-2023 disposing thereof the representation of Mr. Khurshid Ahmad Pandith, Manual Assistant Grade-I, with reference as under:-

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Name of Official	Representation	Disposal
Mr. Khursheed Ahmad Pandith	Entertaining of Higher Qualification in service record	<p>The official has not submitted his objection/ application within stipulated time period against the tentative seniority list. As such his claim cannot be considered at this point of time and is accordingly rejected. Further, as per available records Mr. Khursheed Ahmad Pandith Manual Assistant (C-1) has neither claimed nor objected to his qualification as mentioned in the Final Seniority List issued 76-LM of 2018 dated 28.08.2018 and against the seniority list issued vide office order No. 82-LM of 2019 dated 10.04.2019 wherein objections were invited from all the members of service i.e. Manual Assistant Grade-II Manual Division Cadre, Kashmir (if any) within fifteen days viz-a-viz re-fixing of the seniority of Assistant Grade-II.</p> <p>Besides, his case was examined and also forwarded to Administrative Department. Having examined the case threadbare, it does not merit any consideration in terms of observations of Administrative Department hence disposed off</p>

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Whereas, Mr. Khursheed Ahmad Pandit, Manual Assistant Grade-I preferred O.A. No. 317/ 2023 titled Mr. Khursheed Ahmad Pandit Vs UT of Jammu and Kashmir & Ors before Hon'ble Central Administrative Tribunal, Srinagar Bench with following prayer:-

"By issuance of an appropriate order or direction, the impugned Final Seniority List, dated 13.04.2023 be quashed and set aside.

OR IN ALTERNATIVE:

Respondent be directed to include the Bachelors Qualification of the applicant in the final seniority list, dated 13.04.2023 instead of matriculate and they be further directed to consider the applicant for the next promotional post being graduate Manual Assistant Grade-I."

Interim Relief prayed:-

"That pending final decision of the Original application, impugned Final Seniority List, dated 13.04.2023 passed by the respondents, be kept in

abeyance and further respondents be directed to consider the legal notice submitted by the applicant through his counsel, till then the seniority list shall not be acted upon as the same is against the principles of law."

Whereas, the Objections were filed by the Department in the capacity of Official Respondent No. 02 (Controller, Legal Metrology, J&K) vide No. 455/2023 dated 26.04.2023 in view of Hon'ble Central Administrative Tribunal Order dated 17.04.2023;

Whereas, Hon'ble Central Administrative Department Srinagar Bench pleased to pass an Order dated 08.05.2023 whereunder O.A No. 317/2023 came to be disposed of with following directions: -

"In view of the limited prayer made by the Learned Counsel for the applicant, the respondents are directed to treat the present OA as representation of the applicant and consider the claim of the applicant under rules within a period of four weeks from today."

Now, therefore, in view of the above and in compliance to the Hon'ble Central Administrative Tribunal, Srinagar Bench Order dated 08.05.2023, the O.A No.317/2023 of Mr. Khursheed Ahmad Pandit, Manual Assistant Grade-I was considered and rejected on the following grounds:

- i. That claimed higher qualification of Mr. Khurshid Ahmad Pandith, Manual Assistant Grade-I at the time of issuance of final seniority list of Manual Assistant Grade-II vide Order No 76-LM of 2018 dated 28.08.2018 was "10+2" which in fact appeared to have been acquired in year 2014 but the official neither disclosed to the department his claimed qualification (10+2) before his representation on 04.05.2022 nor the said official sought prior permission from the competent authority for

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acquiring such qualification viz 11<sup>th</sup> and then his 12<sup>th</sup> at the relevant point of time.

ii. That, the claimed qualification viz 10+2 (claimed to have been acquired in 2014) and then "Graduation" as claimed to have been acquired during period 2017 to 2019 through Distance Mode of William Carey University, Shillong, Meghalaya were neither brought to the notice of the Department nor the said official claimed for entertaining of his qualification when tentative seniority of Manual Assistant Grade-II vide Order No. 82-LM of 2019 dated 10.04.2019 was issued and subsequent when final Seniority List of the said cadre framed by the department vide Order No. 118-LM of 2019 dated 14.05.2019;

iii. That no objection whatsoever with regard to his qualification viz Matric as mentioned in the tentative seniority list issued vide circular No. 16-LM of 2021 dated 07.12.2021 was received from Mr. Khursheed Ahmad Pandith, Manual Asstt. Grade-I within prescribed time period viz 14 days from the date of issuance of the said tentative seniority list;

iv. That Mr. Khurshid Ahmad Pandith, Manual Assistant Grade-I vide his representation dated 04.05.2022 submitted marks card of claimed degree qualification viz Graduation from William Carey University, Shillong, Meghalaya but no permission for pursuing higher qualification from the Competent Authority submitted.

v. That the matter with regard to his qualification was forwarded to Administrative Department which vide communication no. 7036219 /FCS&CA /LM/12/2022 dated 17-01-2023 directed to decide the matter in terms of rules/ Government orders in vogue;

vi. That a committee of Joint Controller, legal Metrology, Jammu/ Kashmir was constituted in

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light of directions of the Administrative Department for ascertaining the genuineness/ validity/ recognition of Degree obtained through Distance Mode from outside UT of J&K/erstwhile state of Jammu and Kashmir;

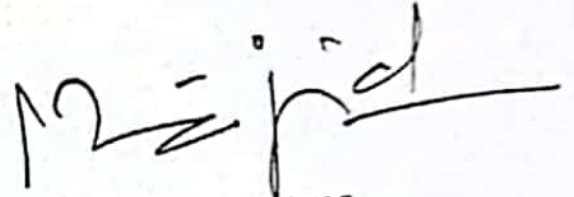
- vii. That some of the documents were produced before the committee by Mr. Khursheed Ahmad Pandit, Manual Assistant Grade-I ( which otherwise were never submitted to Controller, Legal Metrology Department, J&K either with his representation dated 04. 05. 2022 or otherwise ) where inter-alia the committee recommended to get the same authenticated before arriving at final decision;
- viii. That, since no document regarding permission for pursuing Higher qualification i.e.10+2 and then Graduation from outside UT of J&K produced before the competent authority (Controller, Legal Metrology), the department agains review the documents and the rules governing the matter;
- ix. That document viz marks card of 12<sup>th</sup> standard, Graduation, etc have been produced in a staggered manner by the official both before this office and before the committee constituted for ascertaining the recognition /validity/ genuineness of degree;
- x. That validity of Degree acquired by the said official is neither tenable nor acceptable in terms of "Recognition of Courses" and recognition of University to run the said course outside of the territorial jurisdiction in Distance Mode as regulated vide Order No. 252 HE 2012 dated 30-05-2012 and Circular No. FD-Code/166/2021003 dated 18-07-2022 and also in terms of references in paras 2.6, 3.3 and 3.4 of a communication made to University Grants Commission by William Carey University, Shillong Meghalaya from where the official claimed to have completed his "Graduation" in the year 2019;
- xi. That, the validity of Degree acquired by the official is also not acceptable and tenable in terms of

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"Recognition of Course" to be run through Distance Mode as per approvals of Courses by Distance Education Council w.e.f. 2014 up to 2022.

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(Majid K. A. Drabu) IAS  
Controller

Legal Metrology Department,  
Jammu & Kashmir.

Dated: .05.2023.

No:- LM/C-Esstt/06/2017/e-19)/C.No.150342

Copy to:-

1. Joint Controller, Legal Metrology, Jammu/ Kashmir.
2. Pvt. Secretary to Commissioner/Secretary to Govt., FCS&CA Department.
3. Mr. Peer Nisar Hussain, L/A Inspector, Legal Metrology, Baramulla.
4. Tanvir Ahmad Dar, L/A Inspector, Legal Metrology, Pulwama.
5. Nazir Ahmad Bhat, L/A Inspector, Legal Metrology, Kupwara.
6. Mr. Khursheed Ahmad Pandit, Manual Assistant Grade-I, LMD, Budgam.
7. In-charge Website.
8. Office Order File (w.3.s.c.).