



State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/C/24/2013
Decision SIC/J/C/24/2013/164

Sh. Zulker Nain Sheikh
Advocate

Complainant

Present

Dr. Baldev R. Sharma
Dy. Director (HQ)
Health Services,
Jammu.

PIO

Present

Jammu
26-06-2013

Briefly the facts in this appeal are that Sh. Zulker Nain Sheikh R/o Aftab Manzil, 2d61-F, Mohalla Ustad, Jammu Jammu moved an application dated 18-02-2013 under J&K RTI Act, 2009 before the PIO/ Directorate of Health Services, Jammu seeking the following information:-

- i. *Kindly provide the initial appointment order of Sh. Pankaj Kumar Gupta as Screen Technician in the Directorate of Health Services, Jammu.*
- ii. *Also indicate what was the next promotional post of Sh. Pankaj Kumar Gupta as per Recruitment Rules after Screen Technician.*
- iii. *Also provide a copy of the order whereby Sh. Pankaj Kumar Gupta was temporarily adjusted as Calligrapher outside his cadre. Also provide the minutes of the Departmental Promotion Committee which held its meeting on 05-04-2007 and 07-04-2007 and*

- accorded sanction to the regularization/promotion of sh. Pankaj Kumar Gupta as Calligrapher in the pay scale of 5000-8000 from the date he was holding the said post on notional basis.*
- iv. *Is it a fact that cadre of Sh. Pankaj Kumar Gupta was changed in contravention of the Recruitment Rules and the Judgement of the Supreme Court of India titled Suraj Parkash Gupta V/s State of J&K & Ors reported as 2000 (7) SCC 561 and the subsequent circular No. 07-GAD of 2001 dated 12-03-2003 (copy enclosed) issued by the General Administration Department, J&K Government on the basis of the directions of the Hon'ble Supreme Court of India?*
- v. *Whether the Directorate of Health Services will review/rescind the aforementioned illegal promotion/regularization order of Sh. Pankaj Kumar Gupta as Calligrapher which has been issued in utter breach/context of the directions of the Supreme Court of India reiterated in the aforementioned circular issued by the General Administration Department.*
- vi. *Also provide a copy of the order issued by the Directorate of Health Services on the basis of DPC recommendations whereby Sh. Pankaj Kumar gupta was regularized as Calligrapher on notional basis in the pay scale of 5000-8000.*

The Complaint is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

(Dr. S.K. Sharma)
State Information Commissioner