



Government of Jammu & Kashmir  
Hospitality & Protocol Department  
Civil Secretariat, Srinagar/Jammu.

Subject:- Consideration order in terms of Hon'ble CAT Bench Jammu's Order, dated 24.12.2021, passed in TA No.61/5138/2021, titled 'Kavita Rani V/s State of J&K & Ors'.

**Government order No. 14 -JK(HP)of 2022**  
**Dated :- 10 . 10. 2022**

Whereas, vide No.HP/Estt/02/2013, dated 5.03.2013, among others, one OM Category post of 'English Cook' of Division Cadre Jammu, carrying the Pay Scale of Rs.4000-6000 (PR) was referred to the JKSSB for recruitment;

Whereas, the J&K SSB vide it's Advertisement Notification No. 06 of 2013, Dated:10.05.2013, among other posts advertised/ invited applications from eligible candidates for the said post of 'English Cook' Division Cadre Jammu of the Hospitality and Protocol Department;

Whereas, after completion of the selection process, JKSSB vide it's letter No. SSB/Secy/Sel/2017/1884-90, dated 09.02.2017, conveyed that the recommendation of Ms. Kavita Rani W/o Sh. Rajinder Kumar R/o H.No. 3, Mohalla Phaarian, Jammu for the post of 'English Cook' has been kept withheld with the following remarks:-

**"Recommendation withheld and is subject to clarification with regard to relevance/genuineness of the experience certificate."**

Whereas, the J&K Services Selection Board subsequently vide it's Order No. SSB/SECY/ 2016/3480-82, dated 22.03.2017 released the recommendation in favour of the Ms. Kavita Rani W/o Sh. Rajinder Kumar R/o H.No. 3, Mohalla Phaarian, Jammu for the post of 'English Cook' with the following observations:-

**"The indenting department shall check all original**

**documents in respect of the selected candidate before issuing the appointment order especially the relevance of the experience certificate produced by the candidate viz-a-viz the post.”**

Whereas, the issue was examined in light of the recommendation of JKSSB and vide communication No. HP/Estt/15/2017, dated 21.04.2017, selection list along with copy of Order No. SSB/SECY/ 2016/3480-82, dated 22.03.2017

was forwarded by the Administrative Department (H&P) to the Director, Hospitality & Protocol, J&K for issuance of formal appointment order in favour of the selected candidate after verification of documents and other requirements strictly in accordance with rules;

Whereas, Director, H&P vide his letter No. DHP/Estt/951/4250, dated 29.11.2017 informed that the experience certificate furnished by the candidate, which is issued by the Manager of Swaran Palace, Maralia Road, Miran Sahib Jammu vide No. SP/07, dated 05.02.2016, was verified vide letter No. DHP/Estt/2485, dated 21.06.2017 and the Manager of the concerned Palace was requested to intimate the name of Government Agency/ Department with which the said palace/ establishment was registered and was also requested to provide the copy of such registration certificate;

Whereas, the concerned Agency/ Palace intimated that the entity is registered with the Department of Health and Medical Education, as Caterer and Food vending establishment and has been functioning after obtaining permission from concerned Block Development Officer. However, copy of the registration certificate of Hotel/ Palace was not provided by the Swaran Palace;

Whereas, the Director, Hospitality and Protocol vide his another letter No. DHP/Estt/951/3541-42, dated:-29.09.2017 again requested the Manager of the Palace, who had issued the experience certificate in favour of petitioner, to provide copy of the registration certificate, however, same was not provided;

Whereas, the candidate Ms. Kavita Rani filled a writ petition before the Hon'ble High Court at Jammu bearing SWP No. 457/2018, challenging the





departmental action of verification of registration of establishment who had issued the experience certificate in her favour on the ground that there was no such requirement under the Hospitality and Protocol (Subordinate) Service Recruitment Rules, 2008 and the advertisement notice issued by the JKSSB for the said post of 'English Cook' and prayed before the Hon'ble High Court to direct the Government to appoint her as 'English Cook' in the Hospitality and Protocol Department;

Whereas, the case was referred to the General Administration Department for advice. In response, the GAD vide U.O No. GAD/Mtg/RB-IV/44/2018, dated 29.07.2020 conveyed as under:-

**"Department is advised to file objections in SWP titled Kavita Rani Vs State of J&K and Ors before the Honb'le High Court without further delay and contest the case on its merits."**

Whereas, the said petition bearing SWP No. 457/2018 subsequently was transferred to the Hon'ble Central Administrative Tribunal, Jammu Bench, who passed Order dated 24.12.2021 in case No. T.A No. 61/5138/2021, dated 24.12.21, the operative part of which is reproduced as under:-

**"As per the facts appearing on record, it is apparent that the matter is pending at the level of Commissioner/ Secretary Hospitality and Protocol Department. The said office is yet to take final decision in the matter of appointment of the applicant as "English Cook". Looking to the fact of the case, the TA is disposed with direction to the respondents to consider the case for appointment as "English Cook" and dispose of the matter of her appointment in accordance with rules. The entire exercise of either appointing the applicant or not shall be completed within a period of two months from the date of receipt of a certified copy of this order. In order, the respondents take the decision not to appoint the applicant, they shall do so, by way of a reasoned and speaking order with information."**

Whereas, the case was again referred to the Director, Hospitality and Protocol for examination who vide his letter No.DHP/Estt/49-50, dated 17-01-22 informed that in spite of giving various opportunities to the Management of the Palace to provide registration certificate, they have not only failed to produce the same but have also tried to mislead the Department by providing false information without having any documentary proof;

Whereas, the case has been again examined and it was observed that as per norms, any Palace/ Food Vending Unit/ Catering Establishment is required to be registered either with the concerned Local Municipal Body or with the Tourism Department. Even otherwise also, it is mandatory for every appointment that the requisite qualification/ experience certificate(s) of the selected candidate must be from a recognized/ registered Institute/ Agency for the purpose of relevance/genuineness of such experience;

Whereas, the case was referred to the Department of Law, Justice and Parliamentary Affairs for opinion, who conveyed its opinion vide U.O No: Law-Opn2/43/2022-10, dated 15-3-2021 which is reproduced as under:-

**"Returned. The prescribed qualification for selection/ appointment to the post of English Cook is 'Matriculation having (5) years experience in catering'. The rule only speaks about the five years experience in catering. As per DNF the candidate i.e. Mrs. Kavita Rani has produced the certificate of 05 years experience in catering issued by Manager of Swaran Palace, Maralia Road, Jammu vide SP/07 dated 5-2-2016. As such the department has to satisfy itself about the relevance of the said certificate for her appointment against the post in question and pass consideration order accordingly in pursuance to the order of Hon'ble CAT."**

Whereas, the case was then put up to the Financial Commissioner, Finance Department in his capacity as In-charge of the H&P Department for approval to the following proposal:-

**"In view of the Judgment of the CAT and opinion of Law Department, we may ask the Director Hospitality and**





**Protocol Department to issue speaking order of selection of Mrs Kavita Rani against the post of English Cook after satisfying himself with possession of the requisite qualification as per the certificate."**

Whereas, the Finance Department vide its U.O No.FD- Code/19/2021-03-Part(1) -582, dated 19.04.2022 advised as under:-

**"The Department is advised to proceed in the matter according to the opinion of Department of Law, Justice and PA conveyed vide U. O. No. Law-Opn2/43/ 2022-10 dated 15.03.2022."**

Whereas, as per the opinion of the Law Department, the case was submitted to obtain approval of the Financial Commissioner (Additional Chief Secretary), Finance Department for conducting Practical Test of 'Cooking' under the supervision of a Committee proposed to be constituted by the Department;

Whereas, the Finance Department vide U.O No. FD- Code/78/2022-02-1230, dated 01.07.2022 opined as under:-

**"Returned:- The Department is advised to consider the case of the appointment of the petitioner as per the eligibility conditions prescribed in the Recruitment Rules only. The department may obtain the opinion of Law Department on conducting cooking test under the supervision of the committee to verify her cooking ability."**

Whereas, the case was again referred to the Law Department for its opinion, who vide U.O No.Law/O[m2/43/2022-10, dated 21.07.2022 opined as under:-

**"Returned. the departmental recruitment rules lays down the qualification for the post of English Cook as Matric with five years experience in Catering. It is essential that a candidate in order to be considered for appointment for a post must comply with the requisite qualification and experience prescribed under rules/advertisement notice at the relevant point of**



time. The selectee is in possession of both i.e qualification and experience. The recruitment rules do not provide for any cooking test, as such holding of cooking test at this stage may not be in accordance with the rules. The department's advised to proceed further in the matter accordingly."

Whereas, thereafter the department submitted the following resolution to the Hon"ble Lieutenant Governor through the Chief Secretary in Co-ordination for approval:-

**"Sanction is hereby accorded in relaxation of Rule 14(5) of J&K Civil Service Decentralization and Recruitment Rules, 2010, to the extension of validity of the Selection List furnished by J&K Service Selection Board vide its letter dated SSB/Secy/Sel/2017/1884-90, dated 09.02.2017 and SSB/SECY/ 2016/3480-82, dated 22.03.2017 for the post of 'English Cook' advertised vide Advertisement Notification No. 06 of 2013, item No. 345 under OM Category, Division Cadre, Jammu, in respect of Mrs. Kavita Rani W/o Sh. Rajinder Kumar R/o H. No. 3, Mohalla Pharian, Jammu beyond the date of its expiry (viz., 21.03.2018) and for a further period of two months."**

And Whereas, the General Administration Department returned the case with the following remarks:-

**"Returned. On consideration of the matter, the Hospitality & Protocol Department is advised as under:-**

1. The department needs to take up immediate remedial steps to amend the subordinate service recruitment rules to incorporate the provision to the effect as 'Experience Certificate from a Government recognized institute' where-ever necessary.
2. The case does not fall under the purview of SRO-60 of 2018, dated 02.02.2018 as retrospective effect can not be given to the said rules for consideration of the instant case.
3. The selection/ waiting lists are not a perennial source of recruitment and there being no exigent grounds





**justifying relaxation of rules and to avoid setting a bad precedent for the future, the department may pass a reasoned speaking order rejecting the claim of the petitioner as being devoid of merit. In addition to the above, the department is also conveyed that the decision on the posts referred prior to 30.10.2019 have been taken by Administrative Council, these decisions shall also be kept in view while disposing this time barred case in a time bound manner."**

Therefore, in backdrop of the above mentioned opinion of the General Administration Department and in deference to the order dated 24.12.2021 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench in T.A No. 61/5138/2021 (SWP No. 457/2018), the case of petitioner namely Ms Kavita Rani W/o Sh. Rajinder Kumar R/o H.No. 3, Mohalla Phaarian, Jammu after being considered in the Department is found devoid of merit for the reasons enumerated herein above and for the reason that the applicant does not possess the requisite qualification for the post of English Cook as such the claim of applicant is rejected.

**By order of the Government of Jammu and Kashmir**

Sd/-

**(Talat Parvez Rohella) IAS**

Administrative Secretary

Hospitality and Protocol Department

No: HP-Estt/1/2022-05 (111520)

Dated: 10.10.2022

Copy to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Secretary to Government, General Administration Department
3. Director, Hospitality and Protocol J&K,
4. Assistant Law Officer, Hospitality and Protocol Department.
5. Pvt. Secretary to the Secretary to the Government, H&P Deptt
6. Ms. Kavita Rani W/o Sh.Rajinder Kumar, H.No.3, Mohalla Paharian, Jammu ( by registered post)
7. I/C Web site H&P Deptt. for uploading in the official website.
8. Government Order file w.2.s.c.

  
**(Manzoor Ahmad Jan)**

Under Secretary to Government,  
Hospitality & Protocol Department