

Minutes of the first meeting of Empowered Committee (constituted vide Government Order No. 139-F of 2015 dated 19.8.2015) held in the office chambers of Commissioner / Secretary to the Government Finance Department on 8.9.2015 at 03:00 PM pertaining to cases of PHE Department.

Reference:-J&K DRW/WCEs(Regularization)Rules,1994 dated 24.03.1994.

Subject:-Creation of posts of Helpers for regularization of left over DRWs.

The following officers attended the meeting:-

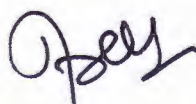
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|---|------------------------------|
| 1. Commissioner/Secretary to the Government, Finance Department | Chairman Empowered Committee |
| 2. Secretary to Government, PHE/I&FC Department | Member |
| 3. Additional Secretary to Government, General Administration Department. | Member |
| 4. Additional Secretary to Government, Department of Law, Justice & Parliamentary Affairs Department. | Member |
| 5. Director (Codes) | Member Secretary |

The proposal for regularization of Sh. Gulzar Ahmad Dar, received from PHE department was discussed in the meeting. While examining the case file, it has been observed that the incumbent has been engaged as DRW on 12/93 as per MR of 12/93 . The DRW has breaks in his service period from 1/94 to 3/94,6/94,5/96,12/97,3/98 to 44/98 & 6/98. In addition to these breaks, the incumbent has not been paid wages from 1/2005 to 5/2010.

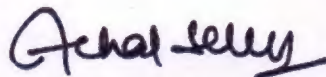
The DRW has filed a writ petition under SWP 1652/2012, in which the Hon'ble court in its order dated 25.04.2013 has passed the following Directions:

"Respondents shall consider the case of the petitioner for regularization of his services as daily wager in terms of SRO 64/1994 and, in view of the stand taken, they shall consider such regularization after condoning the period for which Muster Rolls are not available, by pressing into service the relaxation power and take a decision, accordingly. The decision with regard to consideration shall be taken within a period of three months from the date copy of this order is served upon them."

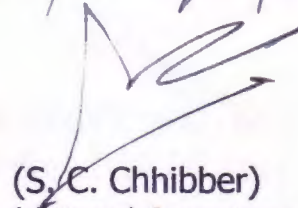
The case has reached contempt stage under Contempt No 44/2014."



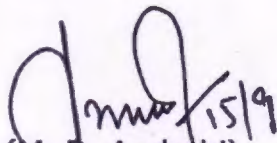
The Empowered committee opined that non-payment of wages for a long period of 5 years i.e. from 1/2005 to 5/2010 itself casts a doubt over the rendering of service for this period. The Department shall take a conscious decision regarding condonation of breaks involved in the service, particularly the period from 1/2005 to 5/2010, for which no Wages have been paid and revisit EC after passing an appropriate speaking order, *taking into account that SRO:64 of 1997 only provides for relaxation in age and qualifications and not the condonation of breaks.*



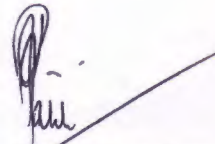
(Anchal Sethi)
Additional Secretary
Law, Justice & Parliamentary
Affairs Department
(Member)



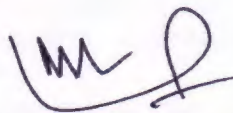
(S.C. Chhibber)
Additional Secretary
General administration
Department
(Member)



(M. R. Andrabi)
Director Codes
(Member Secretary)



(Parvaiz Ahmad Malik))
Secretary
PHE/I&FC Department
(Member)



(Navin) K. Choudhary)
Commissioner Secretary
Finance Department
(Chairman)