

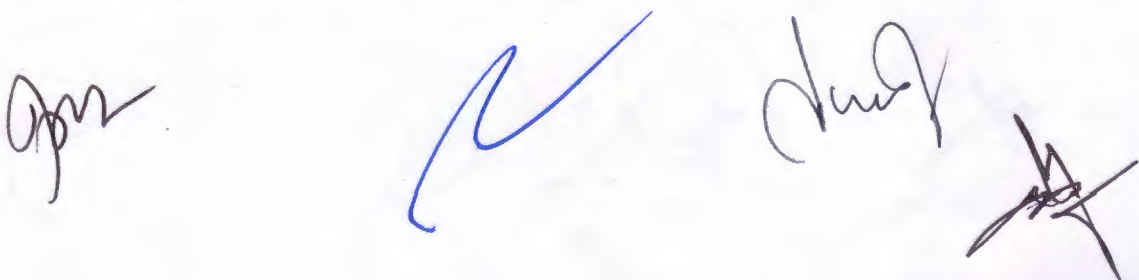
Minutes of the 4th meeting of Empowered Committee (constituted vide Government Order No. 139-F of 2015 dated 19.8.2015) held under chairmanship of Commissioner/ Secretary to the Government, Finance Department on 08.02.2016.

Subject:- Preponement of date of regularization.

The following officers attended the meeting:-

- | | |
|---|---------------------------------|
| 1. Commissioner/Secretary to Government,
Finance Department. | Chairman
Empowered Committee |
| 2. Special Secretary to Government,
CA & PD Department. | Member |
| 3. Director Codes | Member Secretary |
| 4. Additional Secretary to
Government, General
Administration Department. | Member |
| 5. Additional Secretary to
Government, Department of Law,
Justice & P.A. | Member |

UO No. CAPD/FK-9/164/Gen/95-III dated 25.06.2016 contains proposal of CA & PD Department for pre-ponement of date of regularization of 36 persons. The Empowered Committee in its 206th meeting had cleared these incumbents for regularization w.e.f 01.04.2002 ignoring the gutted period upto 10/94 taking into account seven years of service from 11/94 subject to condonation of possible breaks for the gutted period from the Competent Authority. On advice of General Administration Department, the Empowered Committee revived the case and waived off the condition of seeking condonation for the gutted period and cleared the eligible incumbents prospectively. Accordingly, the department had regularized these DRWs with prospective effect vide Government Order No. 100-CAPD of 2007 dated 24.07.2007. The 36 incumbents sought intervention of HHC by way of SWP No. 326/2012 titled Tondop Chosgial & ors vs State & ors for similar treatment as given to 14 DRWs who were recommended for



regularization by the Finance Department w.e.f 01.04.2002. The Law Department, vide UO No. LD(Ser)2013/90-CAPD dated 10.02.2014, has also opined that similarly situated persons cannot be treated differently unless there are sufficient and justifiable grounds for a different treatment.

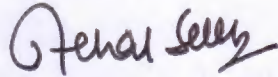
On the basis of documents furnished by the Department, it has been observed that these incumbents have been engaged prior to 31.01.1994 and are similarly situated with those cleared by Finance Department vide UO No. A/54(94)-II-987 dated 04.01.2008. The Empowered Committee considered to prepone date of regularization of these 36 incumbents detailed in below matrix from 24.07.2007 to 01.04.2002 on notional basis subject to the following conditions:-

- (i) The DRWs are engaged prior to cut off date i.e 31.01.1994.
- (ii) They had been paid wages regularly as per the prescribed daily wage rates.
- (iii) They had been working continuously from their date of respective engagements to the date of regularization.
- (iv) Orders are issued with the approval of the Competent Authority.

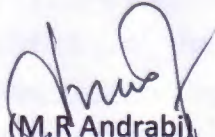
1. Tundup Chosgial
2. Tashi wangail
3. Tsultim Dolker
4. Tsering Nurboo
5. Dorjey Tsering
6. Mohd. Rahim
7. Vilayat Ali
8. Dorjey Tsering
9. Mohd. Qasim
10. Rigzen cholden
11. Hadir Ali
12. Yangchan Dolma
13. Kunzang Dolma
14. Tsewang Nurbo
15. Tsering Dorjey
16. Urgain Tsewang



17. Tsering Angchok
18. Razia Muntaz
19. Naida Bano
20. Sonam Ladol
21. Mirza Mehdi
22. Tsering Paljore
23. Rigzen Namgail
24. Tashi Angchok
25. Sonam Angchok
26. Tashi Wangail
27. Sonam Angchok
28. Stanzin Tsering
29. Stanzin Narbo
30. Tsewang Narbo
31. Tsewang Gurmet
32. Tsering Angchok
33. Tsering Punchok
34. Stanzin Dorjey
35. Rigzin Dorjey
36. Tsewang Namgail



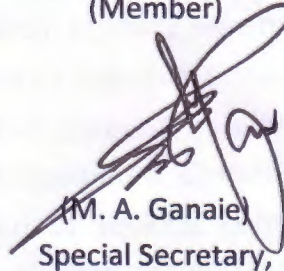
(Achal Sethi)
Additional Secretary,
Department of Law,
Justice & P.A.
(Member)



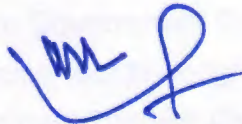
(M.R. Andrabi)
Director Codes
(Member Secretary)



(S. C. Chhabber)
Additional Secretary,
Gen. Admn. Department.
(Member)



(M. A. Ganaie)
Special Secretary,
CA & PD Deptt.



(Navin K. Choudhary), IAS,
Commissioner/Secretary,