

Minutes of the 8th 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 26.09.2016.

(Pertaining to cases of Forest Department).

Subject: Creation of posts of "Helper" for regularization of left out DRWs.

The following officers attended the meeting:-

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

Proposals relating to regularization of left out DRWs of following departments were on agenda of the meeting:-

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| 1. | Rural Development Department: | 380 |
| 2. | PW(R&B) Department: | 3 |

In addition, 26 cases of PHE/I&FC Department and 5 cases of Forest Department including 4 cases involving judicial intervention which had been placed before Empowered Committee in its 2nd, 3rd & 4th meetings were enlisted for review/reconsideration. Proposals of Food, Civil Supplies & Consumer Affairs Department and Industries & Commerce Department relating to regularization Sh. Mohd. Yousuf Shah and Sh. Mushtaq Ahmad Wagay respectively against Class-IV vacancies available with the Departments were also on agenda of the meeting.

Proposals submitted by the Forest Department were placed before the Empowered Committee:-

- I.** Regularization case of Sh. Nazir Ahmad Ganai, Sh. Firdous Maqbool Dar, Sh. Zahoor Ahmad Magray and Sh. Gh. Ahmad Sheikh.

Cases of the above petitioners were placed before the Empowered Committee in its 2nd meeting held on 07.12.2015. These cases were found ineligible for regularization under provisions of SRO 64/1994 being engaged as Casual Labourers. The recommendations to the extent of the petitioners have been stayed and respondents directed to reconsider the claim of the petitioners for regularization of their services in accordance with the judgement reported in JH (HC) (4) 2012-105. The department has sought reconsideration of the proposal in compliance with orders of the Hon'ble court, dated 22.02.2016, passed in SWP No. 262/2016 MP No. 01/2016.

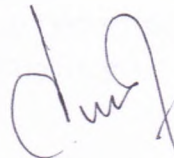
The members were of the unanimous view that the department should follow the decision of the Empowered Committee taken in its first meeting held on 08.09.2015 in respect of Social Forestry Department in a writ petition SWP No. 1080/02 followed by review petition bearing No. 15/2009, as reproduced hereunder:-

"The Committee is of the opinion that the cases which are not covered under the provisions contained in SRO 64/1994 shall not be referred to Empowered Committee. In respect of such court cases wherein there are still chances of legal defense the Department shall utilize all its legal options. However, in such cases where it has lost all its available legal options the Department shall approach the Competent Authority for implementation of the court orders. Once it is done, the Department may approach Finance Department for creation of required number of posts."

II. Regularization of Sh. Gh. Rasool Sheikh S/o Ali Mohd. Sheikh R/o Karpura Brain (Nishat).

The case which among others was deferred in 3rd meeting of Empowered Committee held on 05.02.2016 due to some deficiencies and re-submitted by the department was placed before the Empowered Committee for review/re-consideration.

While examining the case in terms of provisions contained in the J&K DRW/WCEs (Regularization) Rules, 1994 notified vide SRO 64/1994 read with Government order No. 26-F of 1994 dated 31.01.1994, the Committee observed that the department has removed the incompletions/ furnished the required documents and cleared and approved creation of one post of "Helper" in the pay scale of 2550-3200 (Pre-revised) for regularization of the DRW from the date shown in the below matrix:-

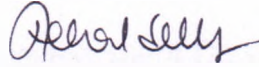


Direction Office

S.No.	Name/Parentage/ Address of DRW	Status/Date of Engagement	Due date of Regularization
1.	Gh. Rasool Sheikh S/o Ali Mohd. Sheikh R/o Karpura Brain (Nishat).	DRW as per MR of 10/91	01.04.1999.

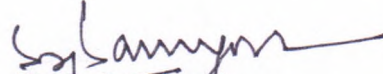
The recommendations are subject to following conditions:-

- (i) The Department shall verify HRs/MRs of first 9-10 months of the incumbent to establish genuineness of his claim.
- (ii) Continuous working from the date of initial engagement and drawal of wages at notified rates shall be established/ certified by the concerned HoD.
- (iii) The incumbents are eligible for regularization and fulfill all conditions as laid down in SRO 64/1994.
- (iv) There is no break(s) between the period 04/13 to 09/14.
- (v) Relaxation of age/qualification, if any, shall be considered by the Department with prior approval of the Competent Authority.
- (vi) Regularization orders shall be issued by the concerned HOD after formal orders for creation of posts are issued by the Administrative Department.
- (vii) Areas from date of regularization to the date of issue of regularization order shall be paid in five equal annual instalments after projecting the same under Annual Budget Estimates of the Department.



(Achal Sethi)

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



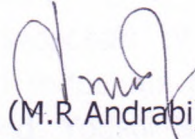
(S. S. Sambyal)

Additional Secretary,
Forest Deptt.
(Member)



(S. C. Chhibber)

Additional Secretary,
Gen. Admn. Deptt.
(Member)



(M.R. Andrabi)

Director Codes,
(Member Secretary)



(Navin K. Choudhary), IAS,
Commissioner/Secretary,
Finance Department
(Chairman)