

**Minutes of the 8<sup>th</sup> 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 PW (R&B) Department).**

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

The following officers attended the meeting:-

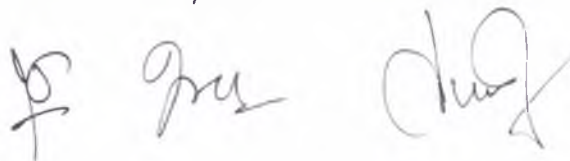
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|----|---|---------------------------------|
| 1. | Commissioner/Secretary to Government,<br>Finance Department.              | Chairman<br>Empowered Committee |
| 2. | Director Codes  | Member Secretary                |
| 3. | Additional Secretary to Government,<br>General Administration Department. | Member                          |
| 4. | Additional Secretary to Government,<br>Department of Law, Justice & P.A.  | Member                          |
| 5. | Deputy Secretary to Government,<br>Public Works Department (R&B).         | 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 which had been placed before Empowered Committee in its 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> meetings were enlisted for review/reconsideration and 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.

Cases of DRWs of Public Works (R&B) Department were examined 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. It was observed that the case involves judicial intervention and has reached contempt stage. The committee took cognizance of the orders of the Hon'ble court and certification by the concerned Chief Engineer that the petitioners have been engaged prior to imposition of the ban and their continuous working in the department and drawal of wages as per rates notified by the Government from time to time and fulfillment of eligibility criteria in terms of SRO 64/1994, vide No. CE/RBK/LS/1144/34402-03 dated 25.03.2015 and xerox copy of MR sheets attested by Additional District and Session Judge Anti-corruption, Srinagar and cleared and approved creation of three posts of "Helper" in the pay scale of 2550-3200 (Pre-revised) for regularization of as much number of DRW from the date shown in the below matrix:-

S.No.	Name/Parentage/ Address of DRW	Status/ Date of Engagement	Condo- nation required	Due date of Regularization
1.	Feroz Ahmad Wani S/o Mohd. Abdullah R/o Mattan, Tehsil & District Anantnag.	DRW as per MR of 10/93	-	01.04.2001.
2.	Manzoor Ahmad Rather S/o Gh. Rasool R/o Khee Jogipora, Tehsil & District Kulgam.	DRW as per MR of 06/93	-	01.04.2001.
3.	Nazir Ahmad Hajam S/o Gh. Rasool R/o Mughalbag Wanpoh, Tehsil & District Kulgam.	DRW as per MR of 05/93	-	01.04.2001.


The above recommendations are subject to the following conditions:-

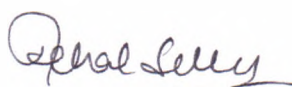
- (i) The Department shall verify HRs/MRs of first ten months of the incumbent to establish genuineness of the claim.
- (ii) The Department shall certify that these incumbents have been engaged as DRWs prior to imposition of ban i.e 31.01.1994.
- (iii) Continuous working from the date of initial engagement and drawal of wages at notified rates shall be established/certified by the concerned HoD.
- (iv) The incumbent is eligible for regularization and fulfills all conditions as laid down in SRO 64/1994.
- (v) Relaxation of age/qualification, if any, shall be considered by the Department with prior approval of the Competent Authority.


*[Handwritten signatures]*

- (vi) Regularization orders shall be issued by the concerned HoD after formal orders for creation of post are issued by the Administrative Department.
- (vii) Arrears 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.


In addition case of Sh. Gh. Mohd. Tantray with regard to preponement of date of regularization from 01.04.1996 to 01.04.1994 was also on agenda of the meeting. The committee observed that with the approval/concurrence of Empowered Committee the incumbent engaged in 02/1985 was brought on regular establishment w.e.f 01.04.1996 due to his non-inclusion in the list by the department. The Committee after discussion, taking into account judgement passed by the Hon'ble High Court in SWP No. 1206/2009 and 597/2012 and report of the department duly countersigned by the concerned Chief Engineer, agreed to preponement of the date of regularization from 01.04.1996 to 01.04.1994 on notional basis subject to the condition that the petitioner has rendered un-interrupted service from 02/1985 to 03/1993 and paid wages for the said period at notified rates.

  
(Dr. Des Raj Bhagat)  
Deputy Secretary,  
PWD (R&B).  
(Member)

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

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

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

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