

Minutes of the 5th 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 18.03.2016.

Subject: Creation of posts of "Helper" for regularization of left over 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,
Floriculture Department. | Member |
| 4. | Additional Secretary to Government,
General Administration 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. | Home Department: | 1 |
| 2. | PW(R&B) Department: | 3 |
| 3. | Floriculture Department: | 2 |
| 4. | Animal & Sheep Husbandry Department: | 2 |
| 5. | Rural Development Department: | 6 |
| 6. | Health & Medical Education Department: | 1 |
| 7. | PHE/I&FC Department: | 235 |
| 8. | Forest Department: | 253 |

In addition 19 cases of Forest Department which had been placed before Empowered Committee in its 3rd meeting held on 05.02.2016 were enlisted for review.

Proposal submitted by Floriculture Department, contains the following 2 DRWs who figure in the list of 13 left out DRWs:-

- (i) Ramesh Kumar S/o Sh. Nanak Chand R/o Katra Teh. & Distt. Reasi.
- (ii) Rattan Lal S/o Sh. Laxmi Dass R/o Katra Teh. & Distt. Reasi.

The incumbents have initially been engaged as DRWs on 01.01.1989 and dis-engaged on 13.09.1995. The incumbents sought intervention of Hon'ble Court by way of SWP No. 1357/95. The Hon'ble Court vide order, dated 28.05.1997, have issued the following directions:-

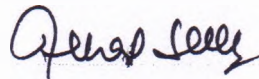
"The matter has been hanging since 1995. But, today both sides have agreed for its disposal by the following consent order:



That the petitioners are permitted to make a representation upon which the official respondents shall consider their case for re-engagement on daily wage basis keeping in regard their past service and subject to the administrative requirements and in accordance with rules. In case they are re-engaged their case for regularization of the services, wherever warranted, shall also be considered and appropriate orders passed thereon."

Subsequently, the department has re-engaged the incumbents w.e.f 10.07.2000 but wages for the intervening period from 13.09.1995 to 09.07.2000 have not been paid on the pretext that the case has remained subjudice. The Director Floriculture Department has certified that these incumbents fulfill all the conditions/ requirements and are eligible for regularization in terms of SRO 64/1994 except they were under age at the time of initial engagement.

After discussion, taking into consideration the provisions contained in the J&K DRW/WCEs (Regulation) Rules, 1994 notified vide SRO 64/1994 read with Government order No. 26-F of 1994 dated 31.01.1994, the Committee came to conclusion that the department shall justify the proposal in terms of SRO 64/994 for non-payment of the wages for such a long break of more than five years and furnish its response to Finance Department within a weeks time so as to enable the Empowered Committee to provide conclusive recommendations in these cases.

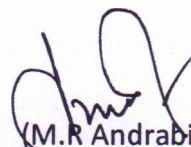


(Achal Sethi)
Additional Secretary,
Department of Law,
Justice & P.A.
(Member)

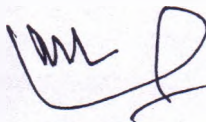
(Ravinder Kumar)
Additional Secretary,
Floriculture. Deptt.
(Member)



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



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



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