

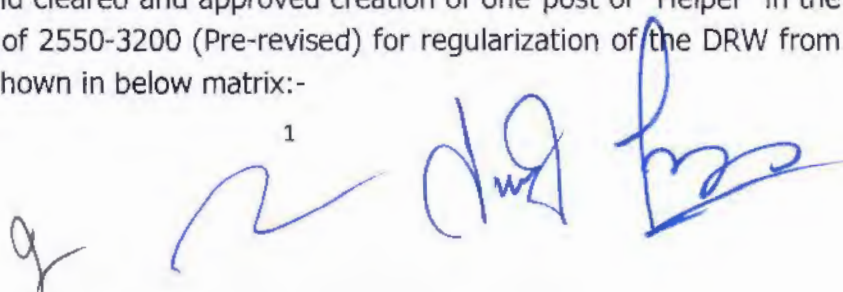
**Minutes of the 13<sup>th</sup> meeting of Empowered Committee (constituted vide Government Order No. 139-F of 2015 dated 19.8.2015) held under chairmanship of Principal Secretary to the Government, Finance Department on 04.04.2018. (Pertaining to Animal & Sheep Husbandry Deptt)**

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

1. The following officers attended the meeting:-

1. Principal Secretary to Government, Finance Department.	Chairman Empowered Committee
2. Director Codes	Member Secretary
3. Additional Secretary to Government, Animal & Sheep Husbandry Department.	Member
4. Additional Secretary to Government, General Administration Department.	Member
5. Additional Secretary to Government, Department of Law, Justice & P.A.	Member
  
2. Proposals relating to regularization of left out DRWs of following Departments were on agenda of the meeting:-
  - i. PHE/I&FC Department.
  - ii. Forest Department.
  - iii. Department of Rural Development & P.R
  - iv. Agriculture Production Department.
  - v. Public Works (R&B) Department.
  - vi. Food, Civil Supplies & CA Department.
  - vii. Animal & Sheep Husbandry Department.
  - viii. Floriculture, Gardens and Parks Department.
  - ix. Tourism Department.
  - x. Social Welfare Department.
  - xi. ARI & Trainings Department
  
3. The Animal & Sheep Husbandry Department had resubmitted cases of two DRWs who were deferred in meeting of the Empowered Committee held on 18.03.2016 and were placed before the Empowered Committee.
  
- 4.1/ While examining the case files of the incumbents in terms of provisions contained in the Jammu and Kashmir Daily Rated Workers/Work Charged Employees (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 in respect of Rehana Naqash 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 below matrix:-

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S.No.	Name/Parentage/ Address of DRW	Date of Engagement/ Status	Break	Due date of Regularization
1.	Rehana Naqash D/o Fareed Ahmad Naqash R/o Ahmad Nagar, Sgr.	14.01.1994 (DRW) as per speaking order	14.01.1994 to 10/94, 04/01 to 02/05	01.04.2002.

4.2/ The above recommendations are subject to following conditions:-

- (i) The Department shall verify records/MRs of first ten months of the incumbents to establish genuineness of the claim.
- (ii) The department shall verify at its level and establish beyond doubt that DRW was working prior to 31.01.1994.
- (iii) Continuous working from the date of engagement and payment of wages at notified rates shall be established/certified by the concerned HoD.
- (iv) The department shall get break(s), if any, other than paucity of funds, condoned from the Competent Authority and the breaks subsequent to the date of regularization shall be seen and verified by the department and no arrears of salary shall be drawn for the period wages have not been paid.
- (v) The incumbent is eligible for regularization and fulfills all conditions as laid down in SRO 64/1994.
- (vi) The Department shall verify her date of birth and Permanent Residence Certificate, prior to issuance of regularization orders.
- (vii) Relaxation of age/qualification, if required, shall be considered by the Department with prior approval of the Competent Authority.
- (viii) Regularization orders shall be issued by the concerned HOD after formal orders for creation of post are issued by the Administrative Department.
- (ix) The post shall cease to exist on death/retirement/resignation/termination of the incumbent or her adjustment against any hierarchical post.
- (x) 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.

4.3/ In respect of Gul Mohd. Sheikh S/o Diam Sheikh R/o Janglatmandi Anantnag, the case was earlier deferred and the department was advised to clarify and justify as to how wages have been paid on consolidated basis against daily wage rates from 05/91 to 02/05 and furnish continuity certificate from date of engagement to till date. The Committee was informed that the the department has reported that due to non-availability of funds the wages have been paid to the incumbent on consolidated basis from 05/91 to 02/05 and the



incumbent has served the department continuously from the date of 1<sup>st</sup> engagement to till date.

- 4.4/ The Committee observed that the requisite documents viz engagement order and Wages drawn statement with amount paid, TV No. & date were not available in case file and decided that the department shall furnish the requisite documents at the earliest for appropriate decision/recommendations.
5. The department had also recommended regularization of Smt. Farhat Ara and Mehraj-ud-din Shah, DRWs, in terms of SRO 64/1994.
- 5.1/ While examining the case files of the incumbents in terms of provisions contained in the Jammu and Kashmir Daily Rated Workers/Work Charged Employees (Regularization) Rules, 1994 notified vide SRO 64/1994 read with Government order No. 26-F of 1994 dated 31.01.1994, the Committee cleared and approved creation of one post of "Helper" in the pay scale of 2550-3200 (Pre-revised) for regularization of Farhat Ara from the date shown in below matrix:-

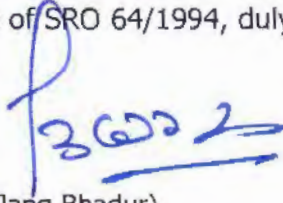
S.No.	Name/Parentage/ Address of DRW	Date of Engagement	Break	Due date of Regularization
1.	Farhat Ara D/o Gh. Mohd. Bhat R/o Buchwara, Dalgate.	01.01. 1994	01/94 to 03/94, 04/02 to 11/04, 03/10, 01/13 to 05/14	01.04.2001.

- 5.2/ The above recommendations are subject to following conditions:-
- The Department shall verify records/MRs of first ten months of the incumbents to establish genuineness of the claim.
  - The department shall verify at its level and establish beyond doubt that DRW was working prior to 31.01.1994.
  - The department shall issue a speaking order under seal and signatures of HoD concerned, certifying therein that the incumbent was engaged as DRW on 01.01.1994 and fulfills the eligibility criteria prescribed in SRO 64 of 1994.
  - Continuous working from the date of engagement and drawal of wages at notified rates shall be established/certified by the concerned HoD.
  - The department shall get break(s), if any, other than paucity of funds, condoned from the Competent Authority and the breaks subsequent to the date of regularization shall be seen and verified by the department and no arrears of salary shall be drawn for the period wages have not been paid.
  - The Department shall verify her date of birth and Permanent Residence Certificate, prior to issuance of regularization orders.
  - Relaxation of age/qualification, if required, shall be considered by the Department with prior approval of the Competent Authority.

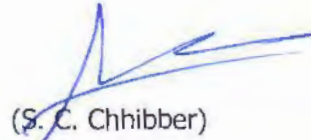
- viii. Regularization orders shall be issued by the concerned HOD after formal orders for creation of post are issued by the Administrative Department.
- ix. The post shall cease to exist on death/retirement/resignation/termination of the incumbent or her adjustment against any hierarchical post.
- x. 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.

5.3/ Case of Sh. Mehraj-ud-din Shah S/o Gh. Mohi-ud-din Shah R/o Lar Ganderbal, who had invoked judicial intervention and the case stands disposed of by the Hon'ble Court on 01.09.2017, was found incomplete and the Committee was of the view that the department shall furnish the following information/documents at the earliest for appropriate recommendations/decision:-

- i. Copy of the engagement order, dated 19.06.1993, duly countersigned by the concerned HoD.
- ii. Wages drawn statement from date of engagement to till date, showing therein month-wise amount paid, TV No. & date, Continuity certificate and eligibility certificate for regularization in terms of SRO 64/1994, duly countersigned by concerned HoD.



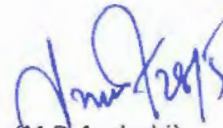
(Jang Bhadur)  
Additional Secretary,  
Department of Law, Justice & P.A.  
(Member)



(S. C. Chhibber)  
Additional Secretary,  
General Administration Department.  
(Member)



(M. Latief)  
Additional Secretary,  
Animal & Sheep Husbandry  
Department.  
(Member)



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



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