

Minutes of the 14th 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 21.08.2018.

(Pertaining to Food, Civil Supplies & CA Department)

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

1. The following officers attended the meeting:-

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| 1. Principal Secretary to Government,
Finance Department. | Chairman
Empowered Committee |
| 2. Director General (Codes),
Finance Department. | Member Secretary |
| 3. Special Secretary to Government,
Department of Law Justice & P.A. | Member |
| 4. Additional Secretary to Government,
Food, Civil Supplies & CA Department. | Member |
| 5. Deputy Secretary to Government,
General Administration Department. | 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. Revenue Department.
- vi. Food, Civil Supplies & C.A Department.
- vii. Health & Medical Education Department.

3. The proposal of Food, Civil Supplies & CA Department include regularization of 8 left out DRWs and pre-ponement of date of regularization of Sh.Jigmat Namgyal and Mohd. Baqir.



4. While examining the case files of these 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 these cases are either incomplete or do not attract provisions of SRO 64 of 1994 and decision of the Committee is shown hereunder against each:-

S.No.	Name/Parentage/ Address of the incumbent	Decision
1.	Zahoor Ahmad Reshi S/o Gh. Qadir R/o Veersaran.	There is complete ban on engagement of daily wagers in terms of Rule 7 of SRO 64 of 1994 read with Government Order No. 26-F of 1994 dated 31.01.1994. Since these engagements have been made after cut-off date, the cases do not fall within the mandate of the Empowered Committee and need to be processed under SRO 520 of 2017.
2.	Ab. Majid Mir S/o Ab. Gani R/o Laripora.	
3.	Ab. Salam Wagay S/o Mohd. Subhan R/o Laripora.	
4.	Mohammad Abdullah Wani S/o Ab. Gani R/o Dehwatoo.	
5.	Hashmatullah Rather S/o Mohd. Akbar R/o Takiya Yousufshah.	The department shall re-examine the case in light of response furnished by the subordinate authorities with regard to re-engagement of the incumbent and make out a proposal with specific recommendations and furnish wages statement on prescribed format from date of engagement to 13.06.1993 and 03.12.1998 to 08/2010 alongwith continuity certificate, duly countersigned by the HoD concerned.
6.	Mohd. Maqbool Tantray S/o Mohd Subhan R/o Rohama Rafiabab.	It is not understood as to how the case has been referred to the Empowered Committee when the department has already observed that the claim of the incumbent is not covered under relevant rules.
7.	Bashir Ahmad Bhat S/o Gh. Mohd. Akbar R/o Lookipora Handwara.	The department shall furnish the following in the first instance:- i. Copy of the initial engagement order, up-to-date continuity certificate and eligibility certificate in terms of SRO 64 of 1994, duly countersigned by HoD concerned. ii. Wages statement on prescribed format from date of engagement to 12/94, duly countersigned by HoD concerned.
8.	Mohd. Yousuf Shah S/o Gh. Ahmad Shah R/o Khanoo Babagund.	The department shall furnish the following in the first instance:- i. Copy of the initial engagement order, up-to-date continuity certificate and eligibility certificate in terms of SRO 64 of 1994, duly countersigned by HoD concerned.

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		ii. Wages statement on prescribed format from date of engagement to the date of disengagement, duly countersigned by HoD concerned.
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5. **Pre-ponement of date of regularization of Sh, Jigmat Namgyal and Sh. Mohd. Baqir.**

5.1 Food, Civil Supplies and C.A Department regularized services of 61 DRWs of District Leh with effect from 01.04.2002/01.04.2003/01.04.2001 vide Government Order No. 87-CAPD of 2011 dated 20.10.2011 and Government Order No. 101-CAPD of 2011 dated 27.12.2011. Sh. Jigmat Namgyal and Mohd. Baqir who were regularized from 01.04.2003 have invoked judicial intervention through the medium of SWP No. 2010/2016 MP No. 01/2016 seeking their regularization from 01.04.2001 on the grounds that all the DRWs have been engaged in the year 1993 and 1987. The Hon'ble High Court vide Order dated 19.12.2016 has disposed of the case and operative part of the judgement reads as under:-

"Writ petition is taken on board and is disposed of by directing respondent No. 2 to consider and decide the representation Annexure C in accordance with the rules and regularizations and taking into account the averments made in the writ petition along-with annexures appended thereto as expeditiously as possible preferably within a period of six weeks from the date of receipt of certified copy of this order along-with copy of the writ petition. Writ petition is disposed of in above terms."

5.2. Finance Department vide UO NO. A/54(94)-II-508 dated 27.06.2011 had conveyed agreement for creation of 43 posts of Helper subject to conditions as laid down under SRO 64 of 1994 and condonation of breaks from the Competent Authority.

5.3. The Committee resolved that the department should furnish full particulars of the petitioner's vis-à-vis those officials who have been brought on regular establishment w.e.f 01.04.2001 instead of 01.04.2003.

6. ***The Chairman Empowered Committee urged upon all Departments to desist from referring such cases to Finance Department, as are required to be considered in light of court orders but do not fall within the mandate of the Empowered Committee which examines the cases of those Daily Rated Workers only whose status is recorded as Daily Wager in records and have been engaged prior to 31.01.1994 only. In***

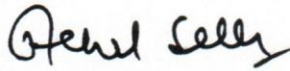
such cases, where court orders have assumed finality, the department should take appropriate action at their level for implementation of the orders of the Hon'ble Court in consultation with the Department of Law, Justice and Parliamentary Affairs.



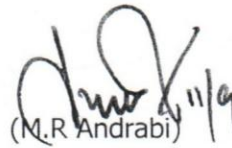
(Reyaz Ahmad Wani)
Deputy Secretary,
General Administration Department.
(Member)



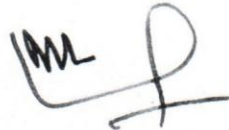
(Jugal Kishore)
Additional Secretary,
Department of Food, Civil Supplies & CA.
(Member)



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



(M.R. Andrabi)
Director General (Codes)
Finance Department.
(Member Secretary)



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