

Minutes of 47th meeting of the Empowered Committee held under the Convenership of the Principal Secretary, Finance Department on 18.05.2015.

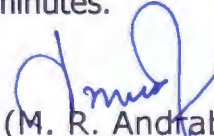
Subject: SWP No 250 of 2013 titled Abdul Majid & Ors Vs State & Ors - regularization of Consolidated Workers of Transport Deptt.

In the backdrop of orders of the Hon'ble High Court issued vide judgment dated 12.09.2014, the Empowered Committee convened a meeting on 18-05-2015 at 11.00AM under the Convenership of Principal Secretary, Finance Department, (Convener Empowered Committee) to review the decision of Empowered Committee taken in its 12th meeting dated 13.06.2011. The following attended the meeting:

- | | | |
|-------|--|------------------|
| (i) | Commr/Secretary, Transport Department | Member |
| (ii) | Director General Accounts & Treasuries | Member |
| (iii) | Director (Codes), Finance Department | Member Secretary |
| (iv) | Addl. Secretary, General Administration Department | Representative |

The complete details of cases placed before the Empowered Committee and the decisions taken thereof are shown in Annexure "A" to these minutes.

No.A/105(10)- 238
Dated: 25-05-2015


(M. R. Andrabi)
Director (Codes)
Member Secretary
Empowered Committee

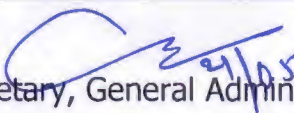
Copy to the:-

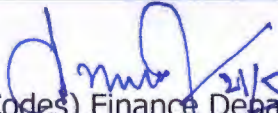
1. Principal Secretary, Finance Department, for information,
2. Commr/Secretary, Transport Department, for information,
3. Commr/Secretary, General Administration Department, for information,
4. DG, Accounts & Treasuries, for information,

ANNEXURE "A"

List of consolidated Workers found eligible/ deficient pertaining to Transport Department as decided in the 47th ECM held on 18.05.2015

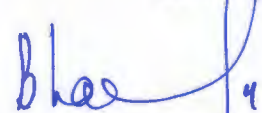
S.No.	12ECM S.No.	Name of the Petitioners/ incumbents	Desgn.	Decision
1	6	Rakesh Kumar S/O Krishan Chand R/O Tilla Deoli, Kathua	X	<p>The Cases from S.No. 1 to 7 Consolidated Workers of Transport Department were placed before the EC for review of the decision taken by the EC in 12th meeting dated 13.06.2011, in view of orders of the Hon'ble High Court, issued on 12.09.2014 as under:-</p> <p>a) "Respondents are directed to consider cases of petitioners for the purpose of regularization strictly in accordance with the Jammu & Kashmir Civil Services (Special Provisions) Act, 2010".</p> <p>b) The ground that the petitioners were being paid out of the contingent funds would not be a ground for refusal of consideration for regularization nor would they be considered as disqualified for such regularization".</p> <p>The cases of these persons were examined as per provisions of J&K Civil Services (Special Provisions) Act, 2010 and not found eligible on the following grounds:-</p> <p>a) These persons have not been engaged against any clear vacancy or a post, as such, do not fulfill the criterion laid down under section 5 (i) of Jammu & Kashmir Civil Services Special Provision Act, 2010.</p> <p>b) Since, they have not been engaged against any post, hence it is not possible to ascertain whether they fulfill the eligibility criteria as laid down under section 5 (iii) of the Act.</p> <p>In compliance with the directions of Hon'ble High Court, the fact that the petitioners were being paid out of the contingent funds was not invoked as a reason for deciding the matter although section 3 (d) of the Act provides that the Act shall not apply to employees paid out of contingent grants, which fact has not been brought by the Transport Department to the notice of the Hon'ble court.</p>
2	7	Shamsher Singh S/O Ragvir Singh R/O Maha, Kathua	X	
3	8	Ashwani Kumar S/O Chuni Lal R/O Muthi, Jammu	X	
4	17	Sunny Sawhney S/O Girish Chander R/O H. No. 67- A, Vikram Chowk Jammu	X	
5	18	Abdul Majid S/O Soni Mohd R/O Khara, Madana Samba	X	
6	19	Aman Kumar S/O Chuni Lal R/O Akal Pur, Jammu	X	
7	22	Kashav Singh S/O Tabiat Singh R/O Sadyal, Khara Madana Samba	X	


 Addl. Secretary, General Administration Department
 (Representative)


 Director (Codes) Finance Department
 (Member Secretary EC)


 Director General Accounts & Treasuries
 (Member)


 Commr/Secretary Transport Deptt.
 (Member)


 Principal Secretary, Finance Department
 (Convener Empowered Committee)