

4. Accountant General J&K A&E/Audit, Srinagar/Jammu.
5. All Heads of Departments _____
6. All District Development Commissioners _____
7. Advocate General, J&K, Jammu/Srinagar.
8. Director/Dy. Director Accounts and Treasuries, Srinagar/Jammu.
9. Director/Dy. Director Funds Organisation, Srinagar/Jammu.
10. Director of Information, J&K, Jammu.
11. Principal, Northern Zonal Accountancy Training Institute, Jammu/
Principal, Accountancy Training Institute, Srinagar.
12. Financial Advisors and Chief Accounts Officers _____
13. Deputy Financial Advisors _____
14. Comptroller, Agriculture University, Kashmir.
15. Saddar Treasury Officers/District Treasury Officers/Treasury
Officers _____
16. Private Secretary to Advisors _____
17. All Officers/Section Officers of Finance Department.
18. _____

(Sd.) M. J. NAJAR,

Director (Codes),
Finance Department.

GOVERNMENT OF JAMMU AND KASHMIR.
FINANCE DEPARTMENT.

Notification.

Dated Jammu, the 24th March, 1994.

SRO-64.--In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make the following Rules, namely :--

1. *Short title, commencement and application.*--(1) These rules may be called the Jammu and Kashmir Daily Rated Workers/Work Charged Employees (Regularisation) Rules, 1994.

(2) They shall come into force with effect from 1-4-1994.

(3) They shall apply to the Daily Rated Workers/Work Charged Employees engaged in any Government Department.

2. *Definitions*.--In these rules, unless the subject or context otherwise requires :-

- (a) "Administrative Department" means the concerned Department in the Civil Secretariat holding the administrative control of the Department.
- (b) "Casual Labour/Worker" means a person who is engaged through an appointment order or otherwise on daily rated basis for rendering casual services to a Department.
- (c) "Committee" means the Committee as may be constituted by the Government and for the time being means the Committee appointed under Government Order No. 26-F of 1994 dated 31-1-1994.
- (d) "Competent Authority" means the Government or any other authority to whom the power may be delegated.
- (e) "Continuous Working" means continuous working of Daily Rated Workers or Work Charged Employee after his first engagement, regardless of the fact whether wages have been paid for the Gazetted holidays/Sundays ;

Provided that the working shall be deemed to be continuous if not more than one break up to two days has been given in his continuous working in a period of 90 calendar days.
- (f) "Daily Rated Worker" means a person engaged on daily wage basis at the rates sanctioned by the Government from time to time.
- (g) "Department" means a Government Department.
- (h) "Seasonal Labour/Worker" means a person who is employed in any department for a defined season or period of a year.
- (i) "Wages" means all remunerations whether by way of salary, allowances or otherwise expressed in terms of money or capable of being so expressed which would if the terms of employment expressed or implied were fulfilled be payable to a person employed in respect of his employment or of work done in such employment.
- (j) "Work Charged Employees" means any person employed on a work charged establishment to do any skilled, un-skilled, manual, supervisory or technical work.
- (k) "Work Charged Establishment" means such establishment as is employed upon the actual execution as distinct from the general supervision of a specific work or of sub-works of a specific project or upon the subordinate supervision of departmental labour, stores and machinery in connection with such a work or sub-works ; provided that as an exception to the above, mistries and mates employed in the

r
c
c

A
B

Er
co

(

interest of Government on the technical supervision of contractors work and Khalasis attached to subordinates for assisting them on works will be treated as work charged establishment.

Works establishment does not include clerks, draftsmen, subordinates or extra establishment of any kind for the Sub-Divisional, Divisional, Circle or Direction Offices, such being properly chargeable to temporary establishment ; but where Dak Runners are employed solely for a particular work of a temporary nature for a period not exceeding six months, they may be treated as Work Charged Establishment.

3. *Creation of the posts.*—(1) The Committee may from time to time on receipt of proposal from any Administrative Department approve the creation of posts for the purpose of regularisation of Daily Rated Workers or Work Charged Employees.

(2) After the approval under sub-rule (1) above is conveyed to the Administrative Department, the Administrative Department concerned shall issue the orders of creation of the posts. The posts so created shall be--

(a) borne on the Plan or Non-Plan establishment as the classification of the scheme or work may be on which such eligible persons are deployed, and

(b) in conformity with the existing sanctioned designation in the pay scale of Rs. 750-940.

4. *Eligibility for regularisation.*—A Daily Rated Worker/Work Charged Employee shall be eligible for regularisation on fulfilment of the following conditions ; namely :--

(a) that he is a permanent resident of the State ;

(b) that on the date of his initial appointment his age was within the minimum and maximum age limit as prescribed for appointment in Government Service ;

(c) that he possesses the prescribed academic and/or technical qualification for the post against which he is required to be regularised :

Provided that in case of eligible Daily Rated Workers to be regularised against Class IV posts, relaxation of qualification and/or age shall be considered on merits by the concerned Administrative Department.

(d) that he is not a retiree from any State or Central Government service or any Local Body, Public Sector Undertaking or Autonomous Body in or outside the State.

e) that his work and conduct has remained satisfactory during the period he worked as Daily Rated Worker or Work Charged Employee and no disciplinary proceedings are pending against him ; and

(f) that he has completed seven years continuous period of working as Daily Rated Worker or Work Charged Employee or partly as Daily Rated Worker and partly as Work Charged Employee.

5. *Regularisation of Daily Rated Workers.*--All the Daily Rated Workers who on 31-3-1994, are eligible under rule 4 for regularisation shall with effect from 1-4-1994, be appointed on the regular pay scale of Class IV prescribed in the concerned department for the relevant category of posts in the scale of Rs. 750-940 :

Provided that if any of the categories have higher pay scale of Rs. 775-1025, such employee(s) shall be placed in the higher pay scale of Rs. 775-1025 after completion of 2 years of service in the scale of Rs. 750-940.

6. *Absorption of Work Charged Employees on Regular Temporary Establishment.*--All the Work Charged Employees who, on 31-3-1994 fulfil all the conditions as laid down in rule 4 shall be brought on regular temporary establishment with effect from 1-4-1994 in the corresponding pay scale :

Provided that if on absorption of the employee the available pay scale is lower, his pay shall be protected by creating post on regular establishment with corresponding reduction of such work charged post, if no suitable vacancy is available.

7. *Restriction on engagement of Daily Rated Workers/Work Charged Employees.*--(1) With effect from the commencement of these Rules, no field/subordinate officer shall have the power for engagement of a Daily Rated Worker or Work Charged Employee in the Department and the existing delegation, if any, in this regard is withdrawn :

Provided that the Competent Authority may engage Casual Labour or Seasonal Labour in any of the Departments to be specified by notification from time to time by the Government and such Labour shall be on the Muster Roll for payment of wages and no engagement or appointment order shall be issued.

(2) After the commencement of these rules the work charged posts shall be created only by the Administrative Departments in consultation with the Finance and Planning Department.

8. *Application of rules to existing Daily Rated Worker and Work Charged Employee.*--The policy of absorption of Daily Rated Workers and Work

Charged Employees shall also apply to such of the existing Daily Rated Workers and Work Charged Employees who may not have completed seven years on 31-3-1994 but may complete by the end of subsequent financial years and their absorption shall be considered in that financial year in accordance with these rules.

9. *Miscellaneous*.--(1) No Class IV vacancy occurring in any department where Daily Rated Workers or Work Charged Employees are adjustable under these rules shall be available for direct recruitment till whole lot of such workers/employees is adjusted ;

(2) If any retired person has been engaged as Daily Rated Worker, his/her service/engagement as such shall be terminated forthwith ;

(3) Formal orders of regularisation of Daily Rated Worker and absorption of Work Charged Employee on regular temporary establishment shall be issued by the concerned Head of the Department.

10. *Repeal and Savings*.--All the existing rules, regulations and orders excepting Government Order No. 26-F of 1994 dated 31-1-1994 relating to the matters covered by these rules are hereby repealed :

Provided that any action taken in pursuance of the rules, regulations or orders as so repealed shall be deemed to have been taken under these rules.

By order of Governor.

(Sd.) J. A. KHAN,

Additional Chief Secretary (Finance).

No. A/33(92)-II-283

Dated 24-3-1994.

Copy to the :-

1. All Additional Chief Secretaries _____
2. All Commissioners/Secretaries to Government _____
3. Secretary to Governor/Advisors to Governor/Legislative Assembly/
Legislative Council/Public Service Commission.
4. Accountant General A&E/Audit, Srinagar/Jammu.
5. All Heads of Departments _____
6. All District Development Commissioners _____
7. Advocate General, J&K, Jammu/Srinagar.
8. Director/Dy. Director Accounts and Treasuries, Srinagar/Jammu.
9. Director/Dy. Director Funds Organisation, Srinagar/Jammu.
10. Director of Information, J&K, Jammu.