



Government of Jammu & Kashmir
Department of Rural Development & PR
Civil Secretariat, Jammu

Subject: SWP No 1846/2012, titled Ghulam Mustafa and others v/s state and others.

Government Order No: 60 -RD&PR of 2017
Dated: 31 - 01-2017. ✓

Whereas, vide Government Order No. 309-Agri of 1999 dated: 27-04-1989 sanction was accorded to the creation of Agency of Multipurpose Workers for each Panchayat Halqa on contractual basis on the consolidated sum of Rs. 500/- per month per Multipurpose Worker;

Whereas, vide Government Order No. 166-Agri of 1997 dated: 18-03-1997 the services of these MPWs were regularized against the pay scale of Rs. 950-1500;

Whereas, the nature and function of job of MPWs has been made at par with the VLWs/Gram Sevikas in terms of SRO 240 of 2002, dated 02.07.2002 which reads as under:

"Appointment of Panchayat Secretary:-The Village Level worker or Multipurpose Worker or Gram Sevika of the Concerned Halqa Panchayat shall function as Secretary in addition to his own duties."

Whereas, vide SRO 178 of 2007 dated 9th May 2007, the Jammu and Kashmir Rural Development (Subordinate) Service Recruitment Rules 2007 have been issued, wherein the mode of recruitment for the post of MPW has been prescribed same as that of VLWs/Gram Sevikas and is produced as under:-

S. No.	Designation	Grade	Qual.	Method of recruitment
IV A	Village level workers/Multi purpose worker	3050-4910	10+2	a) 70% by direct recruitment and b) 30% by promotion from Class V categories A, B & C from amongst female employee with minimum qualification of Matric

off. Sec
Re: Ghulam Mustafa
in discuss
add. Sec.

From
Received Letter No. 4115
Dated 17/1/17
Receipt Check
Directorate of Rural Dev. Deptt.
Jammu and Kashmir Div.

[Handwritten signature]

[Handwritten initials]

				and five years experience in that category. " They will initially be appointed in the pay scale of Rs3050-4910 and will be placed in the grade of Rs 4000-6000 after putting 08 years of service"
--	--	--	--	--

Whereas, as per SRO 13 dated 30.01.1995 following has been ordered:

"Out of existing VLWs working in the pay scale of Rs. 950-1500, those having put in 8 years of service in the said scale shall be placed in the pay scale of Rs. 1200-2040 with effect from 31.12.1994".

Whereas, two tier pay scale facility was extended to Gram Savikas on the same analogy as enjoyed by VLWs duly agreed by the Finance Department with following observations:

- 1 the functions and duties of VLWs and Gram Sevikas is exactly the same and their services are inter-transferable;
- 2 the qualifications (professional or academic) required by the Gram Sevika and the VLWs are also the same;
- 3 Except for the difference in designation which of course are two different versions of the same categories in two different languages, the two designations have all along carried the same pay scale; and,
- 4 Above all necessary modifications in the relevant recruitment rules is carried out by the department as reportedly contemplated by incorporating Gram Sevikas as well abinitio.

Whereas, Ghulam Mustafa Malik and others (MPWs) sought for the similar benefits and filed the SWP 1846/2012 before the Hon'ble High Court and prayed for the following relief:-

a. Mandamus, thereby commanding the official respondents to promote the petitioners to the next higher post of Panchayat Inspector Grade-II / Plantation Ranger in the Rural Development Department from the date the petitioners qualify the screening test conducted by the respondents i.e. w.e.f year 1991.

b. Mandamus thereby commanding the official respondents to accord same treatment to the petitioners for pay anomaly and issuance of 8th year grade promotion (Ist In situ time bound Promotion).




Whereas the above observations has been forwarded to both Directors for furnishing the reply;

Whereas, the case has again been taken up with the Finance Department vide UO Dated 24.06.2009 who observed as under:

- I. Whether Finance Department's concurrence was sought for issuance of SRO 178/2007 (Subordinate Recruitment Rules of RDD) if not, the reasons thereof.
- II. MPWs have already reportedly availed off the benefits of two tire pay structure as par with VLWs pursuant to the provisions of SRO 178/2007. The provisions of retrospective effect of SRO 178/2007 is not in line with the provisions of the SRO 178/2007 as the said SRO was notified in the year 2007 and has come into effect on prospective basis. The department shall indicate number of MPWs who have availed benefits of two tire besides initiating administrative action against erring officers.

Whereas the above observations have also been forwarded to both Directors for furnishing the reply;

Whereas, the reply of above observations of Finance Department are still awaited from the Directorate of Rural Development, Jammu/Kashmir;

Whereas, in the meantime petitioners have filed contempt petition No. 934/2015 wherein the Hon'ble High Court passed following order on 18.09.2015;

" Respondents shall consider the case of the petitioner along with all eligible incumbents for promotion against to higher post in accordance with the J&K Rural Development (Subordinate) Recruitment Rules 2007."

Now, the case has been considered on the above lines and it has been observed that any decision can be taken by the Department of Rural Development and PR only after the approval of the Finance Department, who is the competent authority for sanctioning of higher



- c. Mandamus thereby commanding the official respondents to accord and extend the benefits of SRO 13 dated 30th of January 1995 in favour of petitioners on the similar analogy of VLWs, and Gram Sevikas, as the services of the petitioners being at par with those of VLWs and the petitioners fall under the same category in terms of grade as per the Schedule-II-A of J&K Rural Development Department (Subordinate) Recruitment Rules 2007.

Whereas, on 05.09.2012, the Hon'ble High Court disposed of the writ petition, operative part of which is reproduced as under:

"CMP is disposed of by providing that the promotions, if any, made by the respondents shall remain subject to outcome of writ petition, with further direction to the official respondents to consider the case of the petitioners as well for the promotion, of course, as per, the rules occupying the field. Be listed immediately after the service is effected."

Whereas, the Director, Rural Development Kashmir sought clarification from time to time whether the MPWs who has been regularized w.e.f 01.04.1997 will be placed to the next higher pay scale after completion 08 years of service viz 01.05.2005 i.e the date the MPWs were not existing in the J&K non-gazette Recruitment Rules (SRO 133 of 1990) or the date when the SRO 178 of 2007 dated 09.05.2007 was issued from the date its publication in the Government Gazette;

Whereas, the case has been examined in the Department and it has been observed that, since it involves up gradation of pay scale, competence of which is lying with the Finance Department, the matter stands referred to them, who returned the case file on 15.01.2009 with following observations:

1. How the feasibility of two tire pay scale have been extended to the posts of MPW/Gram-Sevaks in-contravention of existing rules.
2. To make available the full details of the officials benefitted under these rules.
3. To concretize the points of reference/ doubts and after its recommendations to enable the Finance Department to have a view.



grades. Hence shall be considered as and when the same is approved by the Finance Department.

By order of the Government of Jammu and Kashmir.

Sd/-
(Kifayat Hussain Rizvi) IAS
Secretary to Government
Department of Rural Development & PR

No. RD&PR/Legal/206/2015

Dated: 31-01-2017

Copy to the:-

1. Director, Rural Development Department, Kashmir/Jammu.
2. Deputy Advocate General, J&K High Court, Kashmir/Jammu for information.
3. Private Secretary to Secretary to Government, Department of Rural Development and PR.
4. Public Law Officer, Department of Rural Development and PR for information.
5. Government Order file (w.2.s.c).

(Asifa Jan)
Under Secretary to Government,
Department of Rural Dev. & PR.

Government of Jammu & Kashmir
Directorate of Rural Development Kashmir

No:-DRDK/Pvt/34878-35000

Dated:-25-02-2017

Copy of the above forwarded to

1. Project Officer Wage Employment (ACD) _____ (All)
2. Block Development Officer _____ (All)

for information and immediate compliance.

Deputy Director (Adm)
Rural Development Department
Kashmir