



Government of Jammu and Kashmir
Department of Rural Development & Panchayati Raj
Civil Secretariat, Jammu/Srinagar.

Subject:- SWP No. 2335/2016, MP No. 01/2016 titled Ravinder Kumar and others V/s State of J&K and others.

Government Order No. 173 -RD&PR of 2019
D a t e d 24 -05- 2019

Whereas, the support staff viz Programme Officers/Gram Rozgar Sevak/MIS Operators/Technical Assistants etc. were engaged as per the provisions of MGNREGA guidelines, to assist in the implementation of scheme by performing roles and responsibilities as assigned to them by the Department.

Whereas, vide Government order No. 125-RD&PR of 2014 dated 25.03.2014, authorization was granted in favour of Programme Officers engaged under MGNREGA scheme to the following extent:-

S.No.	Allowance	Admissibility etc.
1.	Leave	As admissible to contractual employees vide SRO-225 dated 05.08.2003: i) 15 days casual leave in a calendar year with honorarium. ii) 30 days leave without honorarium on account of accident and seriousness; and iii) 60 days maternity leave without honorarium.
2.	Compensatory allowance/Border allowance	Compensatory allowance/border allowances as admissible under Article 41 BBBB of J&K CSR in favour of contractual appointees who are performing their duties in the identified areas/bad pockets.
3.	Travelling allowances	As admissible to BDOs under state rules.

Whereas, subsequently in partial modification to the aforesaid Government order, the Programme Officers (MGNREGA) were allowed to engage Taxi/Private vehicle for a maximum of Rs. 7000/- per month for field inspection by debit to administrative cost of MGNREGA vide Government Order No. 130-RD&PR of 2014 dated 26.03.2014.

Whereas, Shri Ravinder Kumar and others who were also engaged under MGNREGA scheme, had approached the Hon'ble High Court at Jammu through a medium of SWP No. 2335/2016, MP No. 01/2016 praying therein that the respondent be directed to grant all those benefits which are being granted to the Programme Officers (also

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appointed under the MGNREGA), by virtue of Government order No. 125-RD&PR of 2014 dated 25.03.2014 read with benefits as provided under the J&K Contractual Appointment Rules, 2003 to the petitioners also; and

Whereas, the Hon'ble High Court at Jammu has passed the directions vide its order dated 22.10.2018, which reads as under:-

".....that the aforesaid Government order issued in the year 2014 is still in existence, the benefit envisaged there-under cannot be denied to beneficiaries as contemplated under the aforesaid Government order. The petitioners being contractual employees engaged under MGNREGA are the beneficiaries of aforesaid Government order and therefore, are entitled to the benefits envisaged thereunder.

For the foregoing discussions, this petition is allowed, the petitioners are held entitled to the benefits as envisaged under Govt. Order 125-RD&PR of 2014 dated 25.03.2014 as has been granted in favour of Programme Officers engaged under MGNREGA. Needless to say that these benefits shall be available to the petitioners w.e.f. the date of issuance of the aforesaid Government Order. The petitioners are also held entitled to the benefits like leave and other benefits as admissible to the contractual employees under SRO-255 dated 05.08.2003 in terms of Government Order No. 131-RD&PR of 2014 dated 26.03.2014. These benefits shall also accrue to the petitioners w.e.f. the date of issuance of the order i.e. 26.03.2014. Respondents shall consider the case of the petitioners in the list of observations made above and pass appropriate order or directions for grant of the benefits as envisaged in the aforesaid Government order in favour of the petitioners within a period of two months from the date certified copy of this order is made available to them".

Whereas, the matter has been examined in the Department and it has been observed that the contractual appointment of the incumbents is MGNREGA scheme specific and have been made as per the guidelines of the scheme, whileas SRO-255 of 2003 applies to the categories of the post as per rule-3 under the caption "Application of Rules" of the said SRO. J&K CS (HRA&CCA) Rules, 1992 are also not applicable to the persons engaged on contract. However, the contractual appointment is generally made under certain terms and conditions of the contract with fixed remunerations. The grant of allowances of any nature, if any, not admissible under the scheme or have not been spelt out in their engagement order cannot be extended in their favour; and

Whereas, it has also been found that the benefits accrued to the Programme Officers in pursuance of above referred Government orders are not allowed to the contractual/adhoc/consolidated employees engaged in the Government Departments. Moreover, the supporting staff including petitioners have been engaged under MGNREGA scheme and are not entitled for the said benefits; and

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Whereas, it seems that the benefits granted to the Programme Officers of MGNREGA scheme by virtue of aforesaid Government Orders has been issued in violation of rules and it has been decided to rectify the same.

Now, therefore, it is hereby ordered that:-

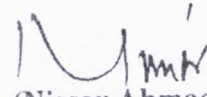
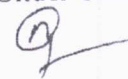

- i) The Government order No. 125-RD&PR of 2014 dated 25.03.2014 issued under endorsement No. RD/MGNREGA/16/2011-12 is rescinded.
- ii) The Honorarium in favour of supporting staff engaged under MGNREGA scheme shall and shall be deemed to have been paid on consolidated basis and they shall be entitled for leave as admissible under rules to other contractual employees working in the Government Departments.

By order of the Government of Jammu & Kashmir.

Sd/-
(Sheetal Nanda) IAS
Secretary to the Government
Dated. 24-05-2019

No. RD/Legal/210/2016
Copy to the:-

1. Director General, Rural Development, Jammu
2. All District Programme Coordinators (Deputy Commissioner)
3. Director, Rural Development, Kashmir
4. All Assistant Commissioners (Development).
5. Private Secretary to the Hon'ble Advisor (KS).
6. Pvt. Secretary to Secretary to the Government, Department of Rural Dev. and PR.
7. I/C Departmental Website.
8. Govt. Order/Stock file.


(Nissar Ahmad)
Under Secretary to the Government
 

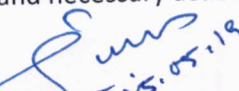
Government of Jammu & Kashmir
Directorate of Rural Development Kashmir
rddkashmir@gmail.com website drdk.nic.in

No:-DRDK/Estt/35/2013/9357-457

Dated: - 25-05-2019

Copy of the above forwarded to the:-

1. Project Officer Wage Employment (ACD) _____ (all) for information and necessary action.
2. Block Development Officer, _____ (all) for information and necessary action.


BDO (Hqr) 25.05.19.
Rural Development Department
Kashmir
