



Government of Jammu and Kashmir
Directorate of Employment
Anqaf Complex, 2nd Floor, Gandhi Nagar Jammu

Ph. No. 0191-2430064
Fax No. 0191-2438440

website: jakemp.nic.in

e-mail: diremp222@gmail.com

Subject: Appeal filed by M/s. Golden Engineering Borewells (SHG), Budgam against Assistant Director Employment, DE&CC, Budgam.

ORDER No: 03-ED of 2019
Dated: 03.01.2019

The case was taken up on 11.12.2018.

1. M/s. Golden Engineering Bore wells, herein after called the Appellants were registered as a Self Help Group with District Employment and Counselling Centre, Budgam bearing Registration No. 8651/KMR of 2006 dated: 13.10.2006.
2. District Employment & Counselling Centre, Budgam herein after called defendant, received a complaint that the appellants are also registered with Executive Engineer , Ground Water Division, Srinagar, which was in contravention to the guidelines of Self Help Group of Engineers Scheme under which it is registered with the defendant, as was provided in clause 5.5 (vii) of the guidelines which is reproduced as below:-
" *Once the SHG is registered with the Employment Department, no further registration of the SHG shall be required with the works / Development Department allotting work contracts to the group*".
3. The defendant as per clause 8.2 of the guidelines put the registration of appellants under suspended animation and issued a show cause notice on 04.10.2017. Further, District Employment & Counselling Centre, Budgam in order to check the veracity of the complaint seeks the report from Executive Engineer, Ground Water Division, Srinagar vide No: DE&CC/Bud/SHG/2017-18/630 dated: 04.10.2017.
4. M/s. Golden Engineering Borewells while replying to the show cause notice admits to the fact that they are registered with Executive Engineer, Ground Water Division, Srinagar, as a Rig unit holder for construction of Borewells and deep excavations, which is confirmed by Executive Engineer, Ground Water Division, Srinagar vide No: PHE/GWD/2060-62 dated: 11.10.2017. The appellant's further claim that the prior registration of the machinery is mandatory to do any digging work by the machinery and the registration has been sought before the issuance of guidelines of Self Help Group of Engineers scheme.

5. Assistant Director, DE&CC, Budgam, upon receipt of reply to the show cause notice and to further clarify the things again writes to Executive Engineer, Ground Water Division, Srinagar vide No: DE&CC/Bud/SHG/2017-18/933 dated: 19.02.2018 which is replied by the Executive Engineer, Ground Water Division, Srinagar vide No: PHE/GWD/CS/4763-63 dated: 03.03.2018. The excerpts of which were:-

" It is pre-requisite requirement condition for every participant tenderer to possess a ring unit duly registered by Kashmir PHE Department/ Central Ground Water Board and till date No SHG have participated in tender process of this division for such nature of job".

6. Guidelines of Self Help Group of Engineers Scheme have been amended vide Government Order No. 49 L&E of 2018 dated: 06.06.2018, in which sub clause 5.5 (vii) have been substituted by the following:-

"Once the SHG is registered with the Employment Department, the concerned competent authority in the line department shall issue a contractor card/ licence of relevant class/ category to a Self Help Group. The card shall be valid for works in respect of SHGs only within their 30% quota".

7. Therefore, it appears that neither the guidelines have been violated by the Assistant Director, DE&CC, Budgam nor the Self Help Group has committed any violation.

As Such, in exercise of the powers conferred upon me vide Para 8.3 of the guidelines of Self Help group of Engineers Scheme issued vide Government Order No. 14-L&E of 2017 dated: 20.02.2017, suspension order issued by Assistant Director, DE&CC, Budgam vide No: DE&CC/Bud/SHG/2017-18/640-43 dated: 04.10.2017 is hereby quashed with the directions to Assistant Director, DE&CC, Budgam to withdraw the same and restore the registration of M/s. Golden Engineering Borewells.

(Yashpal Sumari) IAS

Director Employment/
Final Appellate Authority

No: Diremp/SHG/Bud/2017-18/20/4039-41.

Dated: 03.01.2019

Copy for information and necessary action to the:

1. Joint Director Employment, Kashmir.
2. Assistant Director, DE&CC, Budgam.
3. Group leader M/s. Golden Engineering Borewells.
4. Officer order file.