

Government of Jammu and Kashmir
Directorate of Rural Development Kashmir.

Subject:- Show Cause Notice to striking Technical Assistants/ Other Supporting Staff under MGNREGA in Kashmir Division

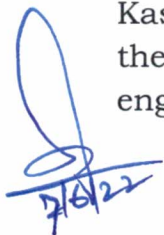
Whereas, the Department of Rural Development and Panchayati Raj vide Circular No. 15-RD-NREGA of 2010 dated: 14-12-2010 constituted District - level Selection Committee for selection of supporting staff under MGNREGA in the Districts of the erstwhile state of Jammu & Kashmir ; and

Whereas, in terms of the conditions as embodied in the aforesaid circular, the appointment of the supporting staff was subject to various conditions including the one that "the appointment shall be initially for the tenure of 01 year extendable further on the basis of performance and shall be terminable with one month notice from either side but with immediate effect on the basis proven non-performance or mis-performance."; and

Whereas, on basis of the recommendation of the selection committee constituted vide aforesaid circular , the engagement orders as Gram Rozgar Sevak (GRS)/Technical Assistant under MGNREGA were issued on contractual basis, subject to various conditions which inter-alia includes the following:-

- 1) The arrangement shall be purely contractual and linked inextricably to the availability of funds under Management cost of MGNREGA
- 2) The engagement shall be initially for the tenure of 01 year extendable further on the basis of performance, shall be terminable with one month notice from either side but with immediate effect on the basis proven non-performance or mis-performance.
- 3) The candidate shall have no substantive or superior claim for his absorption in the department.
- 4) Any act of indiscipline/refusal to perform duties shall render the candidate liable for termination without any notice .
- 5) The candidate shall submit /produce an affidavit duly attested by the judicial magistrate stating therein that he/she shall have no right to claim for permanent absorption in the Department.
- 6) If the candidate will-fully neglects or refuses to perform his/ her engagement shall be immediately terminable without any notice and he/she shall not be entitled to any wages for such period.


Whereas, it has come to notice of this Directorate that some Gram Rozgar Sevaks (GRS)/Technical Assistants under MGNREGA in Districts of Kashmir Division are not performing their duties which is in- violation of the terms and Conditions fixed for their engagements as laid down in their engagement orders ; and


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Whereas, the act of the candidates engaged under MGNREGA as supporting staff has been found in contravention of the terms and conditions fixed for their engagement on contractual basis which amounts to non-performance/ refusal to perform their duties and thereby causing hindrances/impediments not only in the smooth functioning of the Department but also in the effective implementation of MGNREGA scheme in the UT;

Now, therefore, through medium of instant notice, all those Gram Rozgar Sevaks (GRS)/Technical Assistants engaged under MGNREGA in Districts of Kashmir Division who have not resumed their duties till date are hereby asked to reply this show cause notice within **three days** to the concerned District Programme Coordinator MGNREGA (DDC)/ Additional District Programme Coordinator MGNREGA (ACD) as to why the wages of striking staff for the period of absence shall not be deducted and their engagement shall not be terminated, failing which it shall be presumed that they have nothing to say in their defence and action as warranted under rules/ norms shall be taken by concerned DPC.

This is without prejudice to the outcome of the writ petition, (if any) pending if any court of Law.


Imam Din (JKAS) 7/6/22
Director

Rural Development Department
Kashmir

No:-DRDK/E-WP/ 11010 - 11072

Dated :- 07-06-2022

Copy to the:

1. Commissioner Secretary to Government Department of Rural Development & PR, J&K for favour of information.
- 2-11 District Programme Coordinator, MGNREGA / District Development Commissioners (All) of Kashmir Division for information and necessary action.
12. Director. Information J&K for information and with the request to publish the instant show cause notice in two leading daily newspapers for information of all the striking Technical Assistants/ other supporting staff (MGNREGA) of UT of J&K.
- 13-23 Additional District Programme Coordinator , MGNREGA / ACD's____ (All) of Kashmir Division for information and necessary action.
- 24-161 Block Development Officers (All) of Kashmir Division for information and necessary action.
162. I/C Website.