The Director,
Audit and Inspection.
Finance Department
Jammu.

No:- PDD/II/AC/08/2008  
Dated:- 16.12.2011
Subject: - Re-introduction of SRO-59 of 1990 dated 2/1990 to the eligible employees of PDD/PDC.

Madam,

Finance Department allowed the amendments in J&K Civil Services (Revised Pay) Rules 1987 by inserting Appendix-2A containing the list of common posts in the different Wings of the Public Works Department with different pay scale against same designation.

The said SRO was not containing many posts as were in existence at that time in the Power Development Department.

The Finance Department vide SRO 393 dated 27-11-1997 made amendments in the J&K Civil Services (Revised Pay) Rules 1987 by adding /inserting the categories of posts in the Appendix-2-A from serial No 21 to 33. These common posts were pertaining to the Engineering/Civil Departments including PDD as well.

The criteria for appointment of each grade of various designations/contained in SRO 59 of 6.2.1990 and SRO 393 of 27.11.1997 was laid down by the PDD in Govt. Order No. 78 of PDD dated 20.3.1995 and Govt. order No. 270-PDD of PDD dated 6.8.1996.

The Finance Department also issued SRO-14 dated 15-01-1996 granting the benefit of promotion Insitu to non gazetted employees of the State w.e.f 01-01-1995. This benefit was available to the employees who had stagnated for 9 years, 18 years and 27 years at one pay scale only and the said SRO had the similar intention as SRO 59 in respect of common posts in the Engineering Departments in terms of the departmental rules and hence there was no conflict in
extending benefits under SRO-14 in case of employees who had benefited under SRO-59 on issuance of SRO-14 in the beginning. The Department's clarification issued vide O.M No A/76(91)-689 dated 17-06-1991 (copy enclosed) while spelling out the mode for fixation of pay in case of up-gradation of posts may also be taken care of.


The Electric Employees Union were against implementation of SRO-59 in the PDD. The Finance Department vide its U.O No A/29(96) 545 dated 09-06-2006 conveyed that:-

"In case any employee who was otherwise due for the placement in the apportioned graded pay scale in terms of provision of Appendix-2-A of J&K Civil Services (Revised Pay) Rules 1987 as inserted vide SRO-59 of 2/1990, amended from time to time with regard to the relevant apportioned grade structure, but has not been given benefit which was due up to 15-01-1996 (date of issue of SRO-14) due to reasons purely attributable to the procedural delay, may be considered at this stage, but it should be within the relevant apportioned grade structure of the relevant said Appendix 2-A of J&K Civil Services (Revised Pay) Rules 1987."

The instructions of the Finance Department were accordingly conveyed to the Development Commissioner Power for appropriate action.

A complaint duly endorsed by the Hon’ble Minister for Finance was received which indicates that the instructions of the Finance Department have not been reportedly followed in the Department especially in the following Divisions:-

1. EM&RE Division, Sopore.
2. EM&RE Division, Baramulla.
3. EM&RE Division, Handwara.
4. EM&RE Division, Sumbal.
5. Sub- Transmission Division, Sopore.
Vide Government order NO 172-PDD of 2009 dated 19-08-2009, the committee was formed on the basis of record, the use /misuse of SRO-59 as per the following Terms of Reference:

(i) As per Finance Department instructions vide U.O dated 09-06-2006, the benefit of SRO-59 was available up to 15-01-1996 in respect of those cases which were pending in the Department and pendency was due to procedural delay.

(ii) Pendency /procedural delay was to be certified by the competent authority i.e. Chief Engineer.

(iii) Since the common posts of PDD were inserted under SRO 393 dated 27-11-1997, the possibility of pending cases in the PDD between 1990 and 15-01-1996 appears remote and it has to be seen /established.

(iv) SRO-14 dated 15-01-1996 became applicable on 01-01-1995 to the Non-Gazetted employees who had put 9 years, 18 years, 27 years of service on that date. Therefore, it needs to the benefit of SRO-59 as per Finance Department instructions dated 09-06-2006 had not taken the benefit of SRO-14 as on 01-01-1995.

(v) If the employees had taken the benefit under SRO-14 and have also given the benefit under SRO-59 subsequently as reported, it amounts to violation of the SROs issued by the Finance Department including the instructions issued under U.O dated 09-06-2006. In such cases, the names of the responsible Executive Engineers, Assistant Accounts Officers, and the Chief Engineers who has certified the case being pending on account of procedural delay be reported for disciplinary action. Financial implication as a result of improper implementation of SROs needs to be worked out and reported.


Pursuant to receipt of enquiry report, the findings of the enquiry committee were brought to the notice of the higher authorities/ Competent authority thereby proposing that to decide/settle the issue once for all, by resorting to following course of action:

a) Divisional Level Departmental Promotion Committee, Kashmir (DPCK) shall verify the implementation of SRO-59/393 in accordance with provisions of Rule in cases where the benefit has been extended to the eligible categories of employees up to 15-01-1996 on case to case basis.
b) DPCK shall ensure recovery through concerned DDOs from the employees like Orderlies/Chowkidars who have been granted benefit of SRO-59/393 contrary to the provisions of Government order No 270-PDD of 1996 dated 06-08-1996 read with government order No 78-PDD of 1995 dated 20-03-1995.

c) DPCK shall complete the said exercise within two months and submit the detailed report for its approval by the Administrative Department.

d) A good number of employees who have been granted benefit of SRO-59/393, have retired from service and their pension cases pending with the Accountant General Srinagar even when procedural delay certificates issued by the Chief Engineer needs to be cleared after obtaining the confirmation from DPCK/Administrative Department on priority basis.

The Electric Employees Union gave a strike call in the valley, as such a meeting was held with the representatives of Electric Employees Union at Srinagar by the then Principal Secretary, PDD in presence of the concerned departmental officers and during the discussion, it was arrived at an understanding that AG shall be requested to settle the pension cases of the retired employees who have genuinely taken the benefits of SRO-59.

Whereas based on the understanding reached during the meeting, a communication was addressed to the Principal Accountant General dated 13-03-2010 thereby requesting settlement of pending pension cases of the retired PDD employees for want of clarification regarding implementation of SRO-59 dated 06-02-1993 after obtaining a certificate to be issued by the concerned Chief Engineer, EM&RE Wing as per the revised format.

In respect of the left out deserving cases, if any, strictly in terms of the provisions of the Rules and the opinion of the Finance Department, the placement of same before the DPCK and subsequent approval of the Administrative Department was prerequisite.

As per the instructions of the Competent authority the matter was once again taken up with the Finance Department vide U.O NO PDD/II/AC/08/2008 dated 29-03-2011 for expert opinion.

The Finance Department vide its U.O No A/29(96)- New part-II-456 dated 20-06-2011 has observed as under:-
"Returned. The case has been examined. The Department is advised to confine the officers who have extended undue benefits under SRO-59 of 1990 and initiate necessary action warranted under rules against the erring officers. Finance Department's instructions on the subject be strictly followed in letter and spirit. Any deviation from the Codal procedure be dealt with strictly as per rules and the necessary recoveries be initiated against the beneficiaries.

The department is also advised to arrange a special Audit by the Directorate of Audit and Inspections with special reference to the following points:-

(i) None of the Executive Engineer have obtained pending/procedural delay certificate from Chief Engineer.
(ii) Employees have been given benefit of SRO-59 /1990 who had already taken benefit of SRO-14 /1996

G.S.R 770-PDD dated 06-08-1996, categorically provides that the promotion from lower grade to higher grade while implementing SRO-59 of 1990 has to be done by the DPC and subsequently approved by the Administrative Department."

Now therefore, in view of the foregoing details and approval of the Competent Authority, Director, Audit & Inspection is requested to kindly get a special audit conducted in respect of all the offices of different wings of PDD including J&KSPDC to identify officials who have wrongly granted benefits under SRO 59 dated 6.2.1990 and to fix the responsibility for the same.

The detailed report may kindly be submitted within a period of 3 months positively.

Yours faithfully,

Financial Advisor & CAO
Power Development Department

Copy to:
1. Principal Secretary to Hon'ble Chief Minister.
3. Commissioner /Secretary to Government, Finance Department.
4. Secretary, Power Development Department.
5. Managing Director, J&K, SPDC, Srinagar.
7. Superintending Engineer, Jammu/Kashmir.
8. Executive Engineer, Jammu/Kashmir.
9. Special Assistant to Hon'ble Minister for Finance.
10. Pvt. Secy to Commissioner/Secretary to Government, PDD.
11. Concerned File