



Government of Jammu and Kashmir
Industries & Commerce Department
Civil Secretariat, Jammu/Srinagar

Subject: SWP No: 192/2000-titled J&K Apex Marketing Federation V/S State and others.

Government Order No: 192-IND of 2017
Dated : 03 - 08 - 2017

Whereas, Shri Syed Muzaffar, Secretary, J&K Apex marketing Federation of Industrial Cooperative Employees Union, Srinagar has filed service writ petition praying for issuing writ of mandamus directing the respondents to accord approval to the suggestions of respondent No. 3 contained in letter dated 29-09-1998 and issue necessary orders of regularization/permanent absorption of the employees of the Society and give them the benefit of such regularization/permanent absorption and further to direct the respondents to release the balance amount of Rs. 26.78 lacs of Marginal subsidy for the year 1999-2000 to the said society;

Whereas, the then Director Handicrafts had taken up the matter with the Administrative Department vide his letter dated 29-08-1998 requesting therein as under:

“ As the earmarked capital outlay for 1998-99 of the department does not allow to accommodate the demand of the employees to disburse pay according to the revised pay scales including arrears, it is requested that an additionality of Rs. 13.78 lacs may be provided in the current years Annual Plan to meet the immediate requirement of the employees on account of salary as per revised grades of the Government which has been sanctioned in the past”

Whereas, the writ petition was disposed of by the Hon'ble High Court vide order dated 23-09-2016, the operative part of which reads as under:

“In such circumstance, without commenting on the merits of the case, the writ petition is disposed of with direction to the 1st respondent to consider the representation of the petitioners as well as the proposal made by Director Handicrafts and pass appropriate orders within a period of three months”; and

Whereas, the issue was examined and it was found that Apex Marketing Federation is a Cooperative Society registered under Cooperative Societies Act, 1960. The employees of the Federation are not the employees of the State Govt. In fact these employees are entitled to the wages to be paid by the said Society out of the commission earned by the Society itself. However the department as a routine matter has assisted the Federation by way of releasing marginal subsidy to provide marketing cover to this Society like other Handicrafts Cooperative Societies. It is not obligatory on part of the Govt to meet out expenditure whatever in this behalf;

[Handwritten signature]

Now, therefore, in view of the above facts and position, the letter dated 29-09-1998 and the representation made by the petitioners have been found devoid of merit. The Co-operative Society has to pay the salary/wages of its employees from its own resources and not by the State Government.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS
Commissioner/Secretary to the Govt.
Industries and Commerce Department

No: IND/Legal/100/2016

Dated: 03 -08-2017

Copy to the:

01. Director, Handicrafts, J&K Srinagar
02. Director, Achieves, Archeology and Museums, J&K, Srinagar.
03. OSD to the Hon'ble Minister, Industries and Commerce Department.
04. Special Assistant to the Hon'ble Minister of State, I&C.
05. Pvt. Secretary to the Commissioner/Secretary to Govt. I&C.
06. J&K Apex Marketing Federation of Industrial Cooperatives Limited, Srinagar.
07. Incharge Website, I&C Deptt.
08. Govt. Order file (W2SCs)/Monday Return.
09. Stock file.


(Bilal Ahmad)

Under Secretary to Govt.
Industries & Commerce Department

