

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/00591/2021

This the 15th day of February, 2021



**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Shabir Ahmad Swati (Age 35 years) S/o Bashir Ahmad, R/o Saller Benard Pahalgam, District Anantnag.
2. Manzoor Ahmad Khan (Age 34 years) S/o Mubeen Khan, R/o Lidroo, Pahalgam, District Anantnag.
3. Fayaz Ahmad Sheikh (Age 35 years), S/o Mohammad Ismal Sheikh, R/o Saller Benard Pahalgam, District Anantnag.
4. Mohammad Hussain Lone (Age 36 years), S/o Gh. Rasool Alone, R/o Pahalgam, District Anantnag.
5. Mohammad Hussain Chohan (Age 35 years), S/o Dulla Chohan, R/o Saller Sheikhpura, Pahalgam, District Anantnag.
6. Ghulam Nabi Bhat (Age 37 years), S/o Ghulam Hassan Bhat, R/o Pahalgam, District Anantnag.
7. Ghulam Qadir Bhat (Age 38 years), S/o Abdul Gani Bhat, R/o Frislan, Pahalgam, District Anantnag.
8. Ghulam Hassan Bhat (Age 41 years), S/o Sonaullah Bhat, R/o Hardu Kathel Wqullar Hama, Pahalgam, District Anantnag.

.....Applicants

(Advocate: Mr Mohammad Iqbal Dar)

Versus

1. State of J&K through Commissioner Secretary to Government, General Administration Department, Civil Secretariat, Srinagar.
2. Commissioner cum Secretary to Government, Forest Civil Secretariat, Srinagar.



3. Principal Chief Conservator of Forests, J&K Srinagar.
4. Chief Conservator of Forests, Kashmir-Srinagar.
5. Conservator of Forests, South Circle, Bijbehara-Anantnag, Kashmir.
6. Divisional Forest Officer, Lidder Forest Division, Bijbehara-Anantnag, Kashmir.

.....Respondents

(Advocate: Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R

[O R A L]

Delivered by Hon'ble Mr. Anand Mathur, Member (A) :-

The present TA has been received by way of transfer from The Hon'ble High Court of Jammu & Kashmir at Srinagar vide order dated 14.09.2020 which is registered in this Tribunal as T.A. No. 62/00591/2021.

2. The applicant has filed the petition challenging order dated 18.12.2014 (Annex. A/P) whereby the case of the petitioner was considered at the instance of Hon'ble High Court's order dated 09.06.2014 in S.W.P. No. 992/2013 and was rejected by the respondents for appointment against clear vacancies as consolidated workers. The petitioners have further sought direction to the respondents to allow them to continue in the department till

their regularization takes place formally and continue to release and pay the salary/wages to them without any let or lose regularly.



3. We have heard Mr. Mohammad Iqbal Dar, learned counsel for the applicant and Mr. Sudesh Magotra, learned Deputy Advocate General for the respondents and perused the record.

4. The prayer in the TA is to direct the respondents to regularize the services of the applicants in the department and allow them to continue in the department till their regularization takes place formally. We find it difficult to accede to request for regularization of services of applicants. As a matter of fact, the Hon'ble Supreme Court deprecated the practice of issuing such directions. At the same time, if there exist any policy in the Government as regards dealing with the employees of this nature, the case of the applicants also need to be considered in accordance with rules. Beyond that, we cannot issue any directions.

5. We, therefore, dispose of the TA directing the respondents to consider the case of the applicants for regularization, in terms of the existing policy regarding regularization. While considering the case of the applicants, the respondents should also take into consideration the contents of the T.A. This

exercise shall be completed within a period of two months from the date of receipt of a certified copy of this order.

6. It is made clear that while disposing of this T.A., we have not expressed any opinion on the merits of the case. There shall be no order as to costs.



(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

ss/-