

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**



Hearing through video conferencing

T.A./62/00853/2021

This the 25th day of February, 2021

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

Hasina Parveen D/o Ali Mohammad Lone, R/o Wagoora, Pahalgam,
District Anantnag, Aged 38 yrs.

.....Applicant
(Advocate: Mr S.A. Naik)

Versus

1. State of Jammu & Kashmir through Secretary to Government, Education Department, Civil Secret rate Srinagar.
2. Director School Education, Kashmir Division Srinagar.
3. Chief Education Officer, Anantnag.
4. Principal Boys High School, Aishmuqam, Anantnag.
5. District Development Commissioner, Anantnag.

.....Respondents

(Advocate:- Mr. Amit Gupta, A.A.G.)

O R D E R
[O R A L]

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

Learned counsel for the applicant submits that the applicant has filed present TA seeking direction to the respondents to regularize the services of the applicant on the analogy of similarly placed migrant employees who have been considered and regularized by the respondents.

2. During course of arguments, learned counsel for the applicant submits that the applicant would be satisfied if a direction is given to the respondents to consider and decide the case of the applicant for regularization in terms of

law laid down by the Hon'ble Supreme Court Secretary, State of Karnataka v. Uma Devi (2006) 4 SCC 1 within a stipulated time period.

3. The prayer in the TA is to direct the respondents to regularize the services of the applicant in the respondent-department. We find it difficult to accede to request for regularization of services of the applicant. 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 and law laid down by the Hon'ble Supreme Court in this regard support the claim of the applicant, the case of the applicant also needs to be considered in accordance with rules. Beyond that, we cannot issue any directions.

4. We, therefore, dispose of the TA directing the respondents to consider the case of the applicants for regularization, in terms of the existing policy as well as law laid down by the Hon'ble Supreme Court in Uma Devi's case (Supra) regarding regularization and pass a reasoned speaking order. 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 by the respondents within a period of two months from the date of receipt of a certified copy of this order.

5. Further, it is made clear that we have not expressed any opinion on merits of the case while disposing of the present TA.

6. No order as to cost.

(ANAND MATHUR)
MEMBER (A)

ss/-

(RAKESH SAGAR JAIN)
MEMBER (J)