



Central Administrative Tribunal Jammu Bench, Jammu

O.A. No. 62/893/2020
(Diary No. 4272/2020)

Wednesday, this the 7th day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Mohammad Amin Rather (Aged 42 years),
S/o. ghulam Mohammad Rather, R/o. Wangipora,
Sumbal District Bandipora, working at Sub-Division,
Shadipora.
2. Zahoor Majid Dar (aged 39 years), S/o. Ab Majid Dar,
R/o. Rakhi Shilwat, District Bandipora, Working at
Sub Division, Shadipora.
3. Manzoor Ahmad Dar (aged 42 years), S/o.
Ghulam Mohammad Dar, R/o. Rakhi Shilwat,
District Bandipora, Working as Sub Division,
Shadipora.
4. Ali Mohammad Dar (aged 41 years), S/o. Mohammad
Jaffar Dar, R/o. Rakhi Shilwat, District Bandipora,
Working at Sub –Division, Shadipora.
5. Mohammad Altaf Dar (aged 42 years),
S/o. Ghulam Mohammad Dar, R/o. Ankhulla,



- District Bandipora, Working at Sub-Division, Shadipora.
6. Mohammad Ismail Bhat (aged 40 years),
S/o. Ab. Khaliq Bhat, R/o. Naninara, District Bandipora,
Working at Sub-Division, Sumbal.
 7. Ab. Majid Wani (aged 43 years),
S/o. Ab. Ahad Wani, R/o. Khanpeth, District Baramulla,
Working at Sub-Division, Shadipora.
 8. Ghulam Mohammad Thaker (aged 40 years),
S/o. Ghulam Hassan Thaker, R/o. Trigam, District Bandipora,
Working at Sub-Division Shadipora.
 9. Mushtaq Ahmad Bhat (aged 43 years),
S/o. Ghulam Ahmad Bhat, R/o. Rakh Unkhulla, District Bandipora, working at Sub-Division, Sumbal.
 10. Mohammad Hussain Dar (aged 37 years),
S/o. Mohammad Maqsood Dar, R/o. Rakh Duslipora Tehsil Pattan District, Baramulla, Working at Sub-Division, Shadipora.
 11. Mohammad Maqsood Dar (aged 41 years),
S/o. Mohammad Qasim Dar, R/o. Rakh Duslipora, Tehsil Pattan District Baramulla, working at Sub-Division, Shadipora.



12. Nisar Ahmad Dar (aged 45 years),
S/o. Mohammad Jawad Dar, R/o. Rakh Duslipora,
District Baramulla, Working at Sub-Division,
Shadipora.
13. Jehangir Ali Dar (aged 44 years), S/o. Ghulam
Mohammad Dar, R/o. Rakh Duslipora, Tehsil Pattan,
District, Baramulla, working at Sub-Division,
Shadipora.

...Applicants

(Mr. Hilal Ahmad Wani, Advocate)

Versus

- 1) Union Territory of J&K through
Commissioner/Secretary to Government,
Irrigation & Flood Control
Department, Civil Secretariat,
Srinagar/Jammu.
- 2) Chief Engineer Mechanical,
Irrigation Department,
Srinagar.
- 3) Superintending Engineer
Mechanical Circle Irrigation
and Flood Control Department
at Gogji Bagh Srinagar.
- 4) Executive Engineer Mechanical,
Irrigation Division,
Shadipora.



- 5) Assistant Executive Engineer, Sub-Division, Sumbal/Shadipora, District Bandipora.
- 6) Ab. Hamid Mir, S/o. Ab Ahad Mir, R/o. Wangipora Sumbal District Bandipora, working at Sub-Division Sumbal.
- 7) Bashir Ahmad Beigh, S/o. Ab Kabir Beigh, R/o. Wangipora Sumbal, District Bandipora Working at Sub-Division, Shadipora.
- 8) Mushtaq Ahmad Dar, S/o. Ab Rshid Dar, R/o. Wangipora Sumbal, District Bandipora working at Sub-Division Shadipora.
- 9) Mohammad Yousuf Dar, S/o. Ghulam Rasool Dar, R/o. Wangipora Sumbal, District Bandipora, working At Sub-Division Sumbal.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:

M.A. seeking joining together in a single petition is allowed.

2. The applicants state that they were engaged as seasonal workers / labourers by the respondents in the year 1998, almost on permanent basis. They contend that there exists a cadre of 'permanent daily labour' in the Government and though they were entitled to be made part of the cadre, the respondents have not extended the benefit. It is also stated that similarly situated persons are conferred with such benefits, whereas the applicants have been left out. In this background, the applicants have filed this O.A. with a prayer to direct the respondents to extend the benefit of the scheme.

3. We heard Mr. Hilal Ahmad Wani, learned counsel for the applicants and Mr. Rajesh Thapa, learned Deputy Advocate General for the respondents, at the stage of admission, through video conferencing.



4. It appears that the Government has framed a scheme to maintain the cadre of 'permanent daily labour'. The applicants contend that though they are entitled to be conferred with the benefit, the respondents denied the same.

5. The question as to whether the applicants are being engaged and whether they are entitled to be brought under the purview of scheme of 'permanent daily labour', needs to be examined by the respondents. We cannot record any finding at this stage and the applicants can make a representation in that behalf.

5. We, therefore, dispose of the O.A. leaving it open to the applicants to make a representation to the concerned respondents, with a request to bring them under the purview of 'permanent daily labour'. Appropriate orders thereon shall be passed by the respondents, within four weeks from the date of receipt of representation.

There shall be no order as to costs.



(A K Bishnoi) (Justice L. Narasimha Reddy)
Member (A) Chairman

October 7, 2020

/sunil/jyoti/sd