



**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 100/2020
(Diary No. 62/141/2020)
M.A. No. 062/32/2020
M.A. No. 062/33/2020

Friday, this the 26th day of June, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Bhagwan Sahai, Member (A)

Zaheer Ahmad, aged 38 years,
s/o Abdul Rahim Joo
r/o Dildar Bhatpora, Tangdar, Kupwara

.....Applicant

(Mr. Bilal Ahmad Khan, Advocate)

Versus

1. Union Territory of J&K through Principal Secretary to Government Power Development Department Civil Secretariat Srinagar/Jammu.
2. Superintendent Engineer, Power Development Department, Tangdar, Kupwara.
3. Executive Engineer Power Development Department, Electric Sub Division, Tangdar, Kupwara.
4. Assistant Executive Engineer, Power Development, Tangdar, Kupwara.

.....Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

ORDER [O R A L]

Justice L. Narasimha Reddy, Chairman: -

The applicant is working as casual labourer from January 2011 onwards. He seeks regularization of service in the respondent-department. In the recent past, the services of as many as 82 casual

labourers, who were juniors to the applicant, are said to have been regularized, vide Annexure A-2 order. This O.A. is filed with a prayer to set aside Annexure A-2 order, and for a direction to the respondents to consider the case of applicant for regularization.

2. We heard Mr. Bilal Ahmad Khan, learned counsel for applicant and Mr. Rajesh Thapa, Deputy Advocate General for respondents, at the stage of admission.

3. The prayer in the O.A. is twofold; the first is to set aside the Annexure A-2 order, through which the services of 82 casual labourers are regularized; and second is for a direction to the respondents to consider the case of applicant for regularization.

4. We specifically asked the learned counsel for applicant as to how the first part of the prayer can be considered, particular when 82 casual labourers, who are regularized, are not made parties to the O.A. After some argument, learned counsel for applicant did not press that.

5. Coming to the second part of the relief, learned counsel for respondents submits that the applicant was not extended the benefit of regularization on account of the fact that he did not submit/upload the necessary documents, which were needed for regularization, within time.

6. We are of the view that the applicant can be granted some time in this regard, particularly when several juniors to him were

regularized, through Annexure A-2 order. In case any deficiency is found, the respondents shall be under obligation to point out the same, so that the applicant can comply with that.

7. We, therefore, dispose of the O.A. directing that:

(a) The applicant shall be entitled to submit/upload the relevant documents for the purpose of regularization, within two weeks from the date of receipt of copy of this order.

(b) On receipt of such documents, the respondents shall process the same within four weeks thereafter. We also direct that in case any deficiency is found, the same shall be communicated to him within two weeks, enabling him to comply with the same.

(c) In case the applicant satisfies the condition, the order of regularization shall be posted. If, on the other hand, the applicant suffers from any deficiency, the same shall be mentioned in the final order to be passed by them.

Both the M.As. shall stand disposed of. There shall be no order as to costs.

(Dr. Bhagwan Sahai)
Member (A)

(Justice L. Narsimha Reddy)
Chairman

June 26, 2020/sunil/