



**Central Administrative Tribunal
Jammu Bench, Jammu**
Hearing through video conferencing

O.A. No.62/1142/2020

This the 1st day, Tuesday of December, 2020

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Anand Mathur, Member (A)**

1. Hilal Ahmad Khan, age 38 years,
S/o. Ghulam Mohi-ud-Din Khan,
R/o. Haipora Tangmarg Baramulla;
2. Naseer Ahmad Najar, age 36 years
S/o. Mohammad Akbar Najar,
R/o. KongAMDara Tangmarg,
Baramulla.

.....Applicant
(Mr. Bhat Fayaz Ahmad, Advocate)

Versus

1. Union Territory of Jammu and Kashmir through
Commissioner/Secretary to
Govt. Forest Department,
Civil Sectt. Jammu/Srinagar-180 001;
2. Principal Chief Conservator of Forests,
Kashmir,-190 001;
3. Chief Conservator of Forests,
Srinagar-190 001;
4. Divisional Forest Officer, Tangmarg,
Aramulla-193402;
5. Mushtaq Ahmad Sheikh,
S/o. Mohd Sultan Sheikh,

R/o. Khaipora Bala Tehsil,
Tangmerg District,
Baramulla-193 402.

..... Respondents
(Mr. Amit Gupta , AAG)

O R D E R (ORAL)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

1. Applicants in the present O.A. seek direction to the respondents to regularize/confirm the services of the applicants in the department and also to release the due unpaid wages/salary of the applicants.

2. We have heard Mr. Bhat Fayaz Ahmad, learned counsel for the applicants and Mr. Amit Gupta, learned counsel for the respondents and perused the record.

3. The prayer in the OA is to direct the respondents to regularize/confirm the services of the applicants in the department and also to release the due unpaid wages/salary of the applicants. 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 direction. 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 needs to be considered in accordance with rules. Beyond that, we cannot issue any direction.

4. We, therefore, dispose of the OA directing the respondents to consider the case of the applicants, in terms of the existing policy regarding regularization. However, respondents are directed to release the unpaid wages, if due and permissible under rules, within a period of three weeks from the date of receipt of a certified copy of this order. It is made clear that 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)

asvs