

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.6055/2020  
S.W.P. No.736/2004

Thursday, this the 4<sup>th</sup> day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Maharaj Krishan S/o Late Sh. Arjuan Nath,  
R/o Zalora, Tehsil Sopur Distt. Baramulla Kashmir at present  
Qtr. No. A-3, Phase –II Migrants Camp Purkhoo, Jammu aged  
about 38 years.

..Applicant  
(None)

### VERSUS

1. State of Jammu and Kashmir through Commissioner, -cum-Secretary, Forest Department New Secretariat, Jammu.
2. Principal Chief Conservator of Forests J&K, Govt. of Ban-Bhawan, Jammu.
3. Divisional Forest Officer, Forest Division, Chitarnar, Bandipura, Kashmir.

..Respondents  
(Mr. Sudesh Magotra, Dy. Advocate General)

### ORDER (ORAL)

#### **Mr. Justice L. Narasimha Reddy:**

The applicant states that he was engaged on daily wages, in the Office of Divisional Forest Officer, Bandipura, Kashmir from 1982 onwards. According to him, he had to migrated to Jammu region on account of the threat from militants. It is stated that



the Government issued order dated 28.01.1997, providing for extension of benefit of regularization of the daily wage workers, who have left the valley due to threat perception, but in spite of repeated representations, the respondents did not extend the benefits to him. The applicant further contends that the Administrative Officer of the Principal Chief Conservator of Forests, Jammu & Kashmir issued order dated 31.03.2003 to the effect that he worked on daily wage from March, 1982 to January, 1989 before migration to Jammu and despite that, no further steps were taken. The applicant filed SWP No. 736/2004 before the Hon'ble High Court of Jammu & Kashmir, claiming the relief in this behalf.

2. On behalf of the respondents, a brief counter affidavit is filed, hardly with any facts or particulars.
3. The SWP has since been transferred to this Tribunal in view of re-organization of the State of Jammu and Kashmir and renumbered as TA No. 6055/2020.
4. Today, there is no representation for the applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, and perused the records.
5. The applicant is a native of Bandipura District and was engaged as a daily wage employee in the Forest Department. However, he had to migrate to Jammu along with others in the year 1989, on account of threat from militants.

6. Recognizing the plight of such migrants, the Government framed various schemes. One of it, is to engage such migrants in Jammu region, on same terms, and thereafter, to regularize their services, on completion of seven years of service. One such order is dated 28.01.1997 issued by the Additional Chief Secretary and Secretary to Government, Forest Departments. It reads as under:-



“It is ordered that such of the daily rated workers/work charge employees as were not re-engaged at Jammu after their migration from the Valley shall be deployed by the concerned Heads of Departments of the Forest Department (i.e. Principal Chief Conservator of Forest, Project Director Social Forestry Project and Managing Director J & K State Forest Corporation) and may be regularized from 1<sup>st</sup> April of the subsequent year/years provided that they have completed the prescribed continuous working of seven years or more on or before 31<sup>st</sup> march of the proceeding year without taking into account the break from the date of migration till date of re-engagement/ re-deployment in the same Department for computation of seven years continuous service.

By order of the Government of Jammu & Kashmir.”

7. Obviously with a view to extend the benefit under this order, the respondents called for the report from the Bandipura Region about the service particulars of the applicant. In compliance with the same, the particulars were furnished on 09.04.2002, stating that the applicant worked from March 1982 to January 1989 before he migrated. This was taken note of by

the Office of the Principal Chief Conservator of Forests on 31.03.2003. However, no further steps were taken.



8. The Government of Jammu and Kashmir framed various schemes for regularization of the daily wage employees. In fact, an Act of legislation was also passed. Attending to the serious social problems, the benefit of regularization was extended to migrants also. There is no reason why the applicant be not extended that.

9. We, therefore, allow the TA and direct the respondents to extend the benefit to the applicant, in terms of order dated 28.01.1997, within two months from the date of receipt of a copy of this order, duly taking into account, the order dated 31.03.2003. The applicant shall not be entitled for any arrears if the order is passed within the time mentioned herein.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 4, 2021**  
/sunil/ns/ankit/