

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/6868/2020

This the 27th day of January, 2021



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

Sarfaraz Ahmad Chouhan aged 39 years, S/o Shri Mohd. Latief
Chouhan, R/o Khanetar, Tehsil Haveli, District Poonch.

.....Applicant

(Advocate: Mr. M.I. Sherkhan)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary,
General Administration Department, Civil Sectt. Jammu.
2. Commissioner/Secretary, Labour and Employment Department, Civil
Sectt. Jammu.
3. District Development Commissioner, Poonch.
4. Director Labour and Employment, Jammu.
5. Deputy Director Employment, Poonch

.....Respondents

(Advocate: Mr. Amit Gupta, Id. Additional Advocate General)

ORDER**[O R A L]****(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)**

Applicant has filed M.A. No. 61/103/2021 in T.A. No. 61/6868/2020 seeking direction to the respondents to regularize the services of the applicant in the department in view of the 61st Meeting of Empowered Committee held on 25.04.2018 under the convener ship of Principal Secretary to Government Finance Department, UT of J&K.

2. We have heard Mr. M.I. Sherkhan, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General for the respondents and perused the record.

3. The prayer in the TA is to direct the respondents to regularize the services of the applicant in the department in view of the 61st Meeting of Empowered Committee held on 25.04.2018 under the convener ship of Principal Secretary to Government Finance Department, UT of J&K. We find it difficult to accede to request for regularization of services of applicant. As a matter of fact the Hon'ble Supreme Court deprecated the practice of issuing such direction. At the same time, if there exists any policy in the Government as regards dealing with the employees of this nature, the

case of the applicant also needs to be considered in accordance with rules.

Beyond that, we cannot issue any direction.



4. We, therefore, dispose of the TA directing the respondents to consider the case of the applicant for regularization, in terms of the existing policy regarding regularization. While considering the case of the applicant, the respondents should also take into consideration the contents of the T.A. This exercise shall be completed preferably within a period of two months from the date of receipt of certified copy of this order. All the MAs are also disposed of.

5. 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)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)