



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No. 61/6385/2020  
(SWP No. 1694/2004)

This the 8<sup>th</sup> day of March, 2021

(Through Video Conferencing)

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

Manzoor Hussain, s/o Ahmed Joo,  
R/o Brachhar Mandi, Tehsil Haveli,  
District Poonch, Aged 38 years.

...Applicant

(Shri Sunil Sethi, counsel for applicant)

### **Versus**

1. State of Jammu and Kashmir through Principal Secretary, Rural Development Department, Civil Secretariat, Jammu.
2. Director, Rural Development Department, Jammu.
3. District Development Commission, Poonch.
4. Assistant Commissioner, Development, Poonch.
5. Block Development Officer, Mandi.

... Respondents

(Sh. Sudesh Magotra, Deputy Advocate General)

### **ORDER (ORAL)**

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

The applicant states that he was engaged as Daily Rated Worker in the Block Development Officer, Mandi, District Poonch, from 1994 onwards, and that he made repeated representations for his regularization in terms of SRO No.64 of

1994. Complaining that his representation has not been considered, he filed SWP.No.1694/2004, with a prayer to direct the respondents to consider his case.



2. Earlier, the applicant filed SWP No.1691/2003, before the Hon'ble High Court of Jammu and Kashmir, complaining that the respondents are not considering his case for regularization. The Writ Petition was disposed of directing the respondents to verify the records and pass appropriate orders. Accordingly, the impugned order dated 02.09.2004 was passed stating that the applicant was engaged only during the month of February 1994 and paid wages for that, and he did not work during any other period as claimed. Accordingly, he does not fit in the parameters of SRO No.64/2001. Challenging that, the applicant filed SWP.No.1694/2004 before the Hon'ble High Court of Jammu & Kashmir. He pleaded that the view taken by the respondents in the impugned order is not correct and that he worked for successive spells.

3. The respondents filed a detailed reply stating that the applicant has worked only during February 1994 on payment of Rs.25/- per day, that too after the imposition of ban on engagements after 31.01.1994. It is stated that he did not work for any period later on and the question of regularization does not arise.



4. The applicant has filed a rejoinder.

5. The SWP has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA.No.6385/2020.

6. There is no representation on behalf of the Applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

7. The applicant no doubt asserted that he worked continuously for a long time since 1994, and complaining that his case is not being considered for regularization, he filed SWP.No. No.1691/2003. The Writ Petition was disposed of directing the respondents to examine the case of the applicant with reference to record. It is in compliance with the said direction that the impugned order was passed. It was clearly mentioned that the applicant was engaged only during the month of February 1994 and thereafter he did not work at all.

8. In the counter affidavit, it is stated that that the above engagement was in contravention of the ban imposed at that time and that the applicant did not produce any facts to disbelieve the facts mentioned in the impugned order. Further, nearly two decades have elapsed ever since the applicant was discontinued. No relief can be granted at this stage.

9. The TA is, therefore, dismissed. There shall be no order as to costs.



**( Pradeep Kumar )**  
**Member (A)**

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

/dsn/sunil/