

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/2678/2020

This the 28th day of April, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. DINESH SHARMA, MEMBER (A)

1. Swaran Singh, age 52 years, S/o Late Sh. Gulzar Singh, R/o Village Dab, Tehsil Marh, District Jammu.
2. Abdul Qayoom, age 52 years, S/o Sh. Ghulam Hussain, R/o Village Ichhar, Tehsil Gandoh, Distt Doda.
3. Shafket Hussain Zargar, age 46 years, S/o Gulam Mohd. Zargar, R/o Village Darie, Tehsil Gandoh, Distt. Doda.
4. Javed Iqbal, age 53 yrs, S/o Sh. Ghulam Mohi-ud-Din, R/o Village Sawjain, Tehsil Mandi, Distt. Poonch.
5. Noor Mohd. Dar, age 54 years, S/o Sultan Dar, R/o Village Sanai, Tehsil Surankote, District Poonch.
6. Mushtaq Ahmed Dar, age 52 years, S/o Sh. Ghulam Mohd Dar, R/o Vill Krawah, Tehsil Banihal, District Ramban.
7. Soney Kumar, age 49 years, W/o Sh. Suresh Kumar Kitchloo, R/o H. No. 222, Amar Colony, Gole Gujral, Talab Tillo, Jammu.
8. Abdul Salam, age 54 years, S/o Sh. Subal Joo, R/o Vill. Sanai, Te. Surankote Disst, Poonch.
9. Yassar Ahmed, age 44 years, S/o Sh. Abdil Rashid, R/o Vill Bhoni, Tehsil Sukankote, District Poonch.
10. Shabir Hussain, age 52 years, S/o Sh. Ghulam Rasool, R/o Tehsil Mandi, Distt. Poonch.
11. Shakeel Ahmed, age 54 years, S/o Husam Din, R/o Seri Khawaja, Tehsil Haveli, District Poonch.
12. Abdul Qayoom, age 52 years, S/o Sh. Mohd. Yaqoob, R/o Dhargloom, Tehsil Mendhar, Distt. Poonch.
13. Mohd. Rafiq, age 49 years, S/o SH. Ghulam Hassan, R/o Village Kancha, The Kahara, District Doda.
14. Farooq Ahmed Zargar, age 54 years, S/o Sh. Fateh Mohd. Zagar, R/o Village Darie, Tehsil Gandoh, District Doda.
15. Mohd. Farooq age 46 years, S/o Sh. Bheram Din, R/o Village Kalaban, The. Mendhar, District Poonch.
16. Pyarey Lal, age 49 years, S/o Sh. Arjun Dass, R/o Vill. Sounder, Tehsil Dachan, District Kishtwar.
17. Ghulam Hussain, age 48 eyars, S/o Sh. Ghulam Rasool, R/o Vill. Sounder , Tehsil Dachan, District Kishtwar.
18. Manoj Sen, age 45 yeas, S/o Sh. Jodh Ram, R/o Tund, Tehsil & District Kishtwar.

19. Majid Abad, age 46 years, S/o Sh. Gh. Abad Munshi, R/o Near Animal Husbandry Office, Kisthwar

.....Applicants

(Advocate:- Mr. Sudershan Sharma)

Versus

1. Union Territory of J&K through Commissioner/Secretary to Government, Health and Medical Education Department, Civil Secretariat, Srinagar.
2. Director, Health Services Department, Jammu

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

ORDER

ORAL

(Delivered by Hon'ble Mr. Dinesh Sharma, Member-A)

The instant petition has been filed seeking a direction to the respondents to regularize the service of the applicants in view of the Govt. Order No. 1285-GAD of 2009 dated 06.11.2001 retrospectively from the date the applicants had completed 7 years of service and also to fix the seniority of the applicants from the date, they were initially engaged.

2. Learned counsel for the applicants submits that WP (C) No. 3720 of 2019 CM (7714/2019) was decided by the Hon'ble High Court of Jammu and Kashmir vide order dated 10.10.2019 and prays that a similar order may be passed in this case also.

3. We have heard Mr. Sudershan Sharma, learned counsel for the applicants and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

4. The applicants' counsel has relied upon a judgement dated 10.10.2019 passed by Hon'ble High Court of Jammu and Kashmir in WP (C) 3720 of 2019 CM (7714/2019).

The relevant portion of the judgement is quoted below:-

“3. Accordingly, the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioners for their regularization as





projected in the writ petition and in terms of judgements titled “Ashok Kumar V. State of J&K and others” reported in 2003 (Supp.) JKJ 93 and “State of J&K and others Vs. Musthaq Ahmed Sohail and others reported in 2012 (4) JKJ 1051 and having regard to Govt. Order No. 1285-GAD of 2001 dated 06.11.2001, provided the petitioners are similarly situated and fulfill the eligibility criteria as also the aforesaid judgements and Govt. Order are applicable to their cases, of course, under rules, within a period of two months from the date of receipt of copy of this order.”

5. Looking to the limited prayer made by the learned counsel for the applicants and the facts and circumstances of the case, we dispose of the T.A. with direction to the respondents to consider the claim of the applicants for regularization in terms of judgement titled “Ashok Kumar v. State of J&K and others” reported in 2003 (Supp) JKJ 93 and “State of J&K and others Vs Mushtaq Ahmed Sohail and others reported in 2012 (4) JKJ 1051 and Govt. order No. 1285-GAD of 2001 dated 06.11.2001, provided the applicants are similarly situated and fulfil the eligibility criteria and the aforesaid judgements and Govt orders are applicable in their case, under rules, within a period of two months from the date of receipt of certified copy of this order.

6. It is made clear that we have not entered into the merits of the case.

7. There shall be no orders as to cost.

(DINESH SHARMA)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)