

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.4415/2021
(S.W.P. No.407/2009)

Thursday, this the 13thday of May, 2021

(Through Video Conferencing)

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

S. Manjeet Singh,
Age 43 years,
S/o Sh. Tarlok Singh,
R/o Simbal Camp Tehsil R.S. Pura,
District Jammu,
Presently working as a driver on consolidated pay
on regular basis, in the office of Executive Engineer,
T.L.M. Division-III,
Jakhani, Udhampur.

..Applicant

(*Nemo* for applicant)

VERSUS

1. State of Jammu & Kashmir,
through Secretary to Govt.,
Power Development Department,
Civil Secretariat, Jammu.
2. Development Commissioner,
Power J&K, Janipur, Jammu.
3. Chief Engineer, S&O,
Gladni, Narwal Jammu.
4. Superintending Engineer, S&O Gladni,
Narwal, Jammu.
5. Executive Engineer, T.L.M. Division-III,
Jakhani, Udhampur.

..Respondents
(Mr. Sudesh Mangotra, Deputy Advocate General)

ORDER (ORAL)



Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Driver on *ad hoc* basis on a consolidated salary of Rs.1800/- per month by respondent No.3 vide order dated 03.08.1995. Claiming the relief of regularization of service, he approached the Hon'ble High Court of Jammu & Kashmir by filing SWP No.628/2007, which was disposed of on 10.04.2007. In compliance with the directions issued therein, the respondents considered the case of the applicant and rejected it, through an order dated 27.05.2008. Subsequently, the applicant filed SWP No.407/2009 before the Hon'ble High Court, with a prayer to direct the respondents to regularize his services as Driver. He states that he has completed more than a decade of service on *ad hoc* basis and he is entitled to be regularized.

2. In their counter affidavit, the respondents stated that the applicant did not challenge the order of rejection dated 27.05.2008. It is also stated that the Government has issued an order dated 09.02.2004, providing for conversion of the *ad hoc* employees, who were appointed after 28.07.1989 on contractual basis, but the same was challenged in the Hon'ble High Court and the matter has since been referred to Larger Bench. They have also mentioned that the case of the applicant would be considered on par with other similarly situated persons.



3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.4415/2021.
4. There is no representation on behalf of the applicant. We perused the record and heard Mr. Sudesh Magotra, Deputy Advocate General.
5. The effort of the applicant is to get his services regularized. In compliance with the directions issued by the Hon'ble High Court in SWP No.628/2007, the respondents have passed an order dated 27.05.2008. For the reasons best known to him, the applicant did not challenge that order. Further, the matter is now said to be pending before the Larger Bench of Hon'ble High Court.
6. We, therefore, dispose of the T.A., leaving it open to the applicant to pursue the remedies, depending on the outcome of SWP titled **Shabir Ahmad Zehri & others v. State & others**, wherein the validity of the Government order No.168-GAD of 2004 dated 09.02.2004 is under challenge. There shall be no order as to costs.

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

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

May 13, 2021
/sunil/rk/sd/