

Item No. 1



## Central Administrative Tribunal Jammu Bench, Jammu

O.A. No.968/2020

Tuesday, this the 23<sup>rd</sup> day of March, 2021

(Through Video Conferencing)

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

Towseem Ul Rashid, Age 34 years  
D/o Abdul Rashid  
R/o Upper Sathu Barbar Shah, Srinagar.

..Applicant

(Mr. Mudasir Bin Hassan, Advocate)

### Versus

1. Union Territory of Jammu and Kashmir through  
Commissioner/Secretary to Govt. Higher Education  
Department,  
Civil Secretariat, Jammu/Srinagar.
2. Nodal Principal, Amar Singh College,  
Signagar.
3. Principal,  
Government Degree College,  
Boys, Pulwama.

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

### ORDER (ORAL)

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

The applicant states that she was engaged as Teaching Assistant in various Government Degree Colleges over the past seven years on contractual basis. The legislature of Jammu & Kashmir enacted the Jammu & Kashmir Civil Services (Special

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Provisions) Act, 2010 (for short “Act, 2010”), providing for regularization of contractual and *ad hoc* employees. However, the Act, 2010 does not cover the services of *ad hoc* persons engaged on academic arrangements. Section 3 (b) of the Act spelt out that. The applicant filed the instant O.A. challenging Section 3 (b) of Act, 2010 and for a direction to the respondents to consider her case for regularization in terms of Section 10 (2) of the Act. The applicant contends that once she was engaged year after year with artificial breaks, to work as Teaching Assistant, she is also entitled to be extended the benefit of regularization in terms of the Act, 2010. It is stated that Section 3 (b) of the Act is discriminatory, insofar as it brings about the distinction between the persons engaged on academic arrangements on the one hand and those who are engaged for other purposes, on the other.

2. Today, we heard Mr. Mudasir Bin Hassan, learned counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General.

3. It is no doubt true that the Act, 2010 provided for regularization of the services of *ad hoc* and temporary employees, on completion of a particular length of service and on fulfillment of certain conditions. Section 3 (b) of the Act is to the effect that the benefits under the Act are not available for persons, who are engaged on academic arrangements.

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4. This very issue was dealt by the Hon'ble High Court of Jammu & Kashmir at Srinagar in **Rajani Kumari v. State through Education Department & others**, 2017 (1) JKJ 310 (HC). That was followed recently in **Gurjeet Singh & others v. State of Jammu & Kashmir & others** (SWP No.847/2019) decided on 19.04.2019 and it was held that the academic arrangements are substantially different in nature and Section 3 (b) of the Act, 2010 cannot be said to be discriminatory.

5. Learned counsel for applicant submits that the judgment in SWP No.847/2019 is under challenge before the Division Bench of Hon'ble High Court at Srinagar. Even if that is so, we can certainly take note of the judgment in that SWP, as it stands now.

6. On facts, it is brought to our notice that the applicant is not being engaged since 2019 onwards, and that in her place, a regular employee was appointed by the respondents.

7. In view of the reasons mentioned above, we do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

( Mohd. Jamshed )  
Member (A)

( Justice L. Narasimha Reddy )  
Chairman

**March 23, 2021**  
/pj/sunil/vb/ankit/