

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No. 5003/2021
(S.W.P. No.828/2009)

Tuesday, this the 11th day of May, 2021

(Through Video Conferencing)

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

Raghbir Singh, age 41 years
s/o Sh. Gandharb Singh
r/o Village Pargwal
Tehsil Akhnoor, District Jammu

..Applicant
(Ms. Aruna Thakur, Advocate)

VERSUS

1. State of J & K through Commissioner/Secretary to Govt., Consumer Affairs & Public Distribution Department, Civil Secretariat, Jammu
2. Director, Consumer Affairs & Public Distribution Department, Jammu
3. Assistant Director, Consumer Affairs & Public Distribution Department, Jammu
4. Tehsil Supply Officer, Akhnoor/Khour

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

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant states that he has been engaged on daily wages on 26.06.1985 and he was continued thereafter.

Complaining that the respondents intended to discontinue him and deny the benefit of regularization, he filed SWP No.828/2009 before the Hon'ble High Court of Jammu & Kashmir. It is stated that the respondents are under obligation to regularize his services in accordance with relevant SROs. He based his claim on Article 43 and 39-A of the Constitution of India.



2. The respondents filed a detailed counter affidavit. It is stated that though the applicant was initially engaged as Chowkidar for some time, he was disengaged in March, 2003. The respondents further stated that the initial engagement of the applicant itself was without any basis and the authority, who issued the order, is not vested with the power.
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.5003/2020.
4. Today, We heard Ms. Aruna Thakur, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.
5. It may be true that the applicant was engaged as Chowkidar /daily wager / Watchman in the year 1986. According to the applicant, the remuneration was fixed at Rs.30/- per month,



which is totally inadequate, viewed from any angle. The Government issued SRO No.64 of 1994, providing for regularization of services of daily wage employees. The Tribunal would have certainly considered the feasibility of granting relief to the applicant but for the fact that the respondents have categorically stated that the applicant was disengaged from service w.e.f. 20.03.2003. This statement of the respondents was not contradicted by the applicant in any manner known to law. Though the interim order was passed by the Hon'ble High Court, it was six years after his disengagement. Naturally, no benefit would accrue to the applicant.

6. We are not in a position to grant any relief to the applicant under any prevailing circumstances. The T.A. is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 11, 2021
/sunil/rk/sd/