

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/703/2021

This the 27th day of April, 2021

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

Aftab Ahmed, Age 52 years, S/o Ghulam Hussain Sheikh, R/o Astan Bala, Tehsil and District Kishtwar.

.....Applicant

(Advocate:- Mr. N.D. Qazi)

Versus

1. Union Territory of Jammu & Kashmir through Commissioner/Secretary to Government, PWD (R&B) Department, Civil Secretariat, Jammu/Srinagar-180001.
2. Chief Engineer, PWD (R&B) Department, Jammu-180001.
3. Superintending Engineer, PWD (R&B) Circle Doda-182202.
4. Executive Engineer, PWD (R&B) Division Kishtwar-182204.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G.)

**ORDER
[O R A L]**

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The applicant Aftab Ahmed was engaged as daily wager in the year 1987, however, his services came to be terminated along with ten other persons in the year 1989. The applicant alongwith similarly situated persons came to be re-engaged in the year 1993, however due to health issues, the applicant could not join his duties. In the year 1999, the applicant was re-engaged vide order dated 07.05.1999 and his period of absence was treated as leave without pay. Thereafter, the applicant represented before the respondents for giving him the benefit of regularization under the SRO 64 of 1994 but till date, the respondents have not regularized the services of the applicant. Hence, the present O.A.



2. Learned counsel for the applicant submits that the O.A. can be disposed of with direction to the respondents to consider the case of applicant for regularization within a stipulated time frame.



3. We have heard Mr. N D Qazi, learned counsel for the applicant and Mr. Rajesh Thappa, learned D.A.G. for the respondents and perused the records.

4. The prayer in the O.A. is to direct the respondents to regularize the services of the applicant. We find it difficult to accede to such a request. As a matter of fact the Hon'ble Supreme Court deprecated the practice of issuing such direction. At the same time, if there exist any policy in the Government as regards dealing with the employees of this nature, the case of the applicant also need to be considered in accordance with rules. Beyond that, we cannot issue any direction.

5. We, therefore, dispose of the OA directing the respondents to consider the case of the applicant, in terms of the existing policy, relevant schemes, rules and regulations governing regularization and if permissible under the rules, within a period of two months from the date of receipt of a certified copy of this order.

6. It is made clear that we have not expressed any opinion on the merits of the case.

7. There shall be no order as to costs.

(DINESH SHARMA)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)