

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/696/2021

This the 27th day of April, 2021

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

Joginder Singh Jamwal, Aged 55 years, S/o Late Sh. Rattan Singh Jamwal, R/o H. No. 242, Malhotra Street, Jammu-180001.

.....Applicant

(Advocate:-Ms. Monika Kohli)

Versus

1. Union Territory of J&K, through Principal Secretary to Government, Department of Agriculture, Civil Secretariat, Jammu-180001.
2. Directorate of Agriculture, Talab Tillo, Jammu-180002.
3. Agriculture Research Engineer, Department of Agriculture, Government Agriculture Workshop, Talab Tillo, Jammu-180002.

.....Respondents

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

ORDER

[O R A L]

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

The applicant Joginder Singh Jamwal is working as Dak Runner on daily wage basis in the Department of Agriculture, Jammu since the last 27 years. The applicant moved a representation dated 08.07.2016 before the respondents for considering his case for regularization in the Department. On 19.04.2017, the Respondent No. 2 vide communication dated 19.04.2017 referred the case of the applicant to the Financial Commissioner, Agriculture Production Department, J&K Govt. Civil Secretariat Jammu for consideration. However, no action was taken by the respondents for regularizing the services of the applicant. Hence, the present O.A.



2. Learned counsel for the applicant submits that the applicant will be satisfied, if a direction is issued to the respondents to consider his case for regularization within a stipulated time frame.



3. We have heard Ms. Monika Kohli, 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 service 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. The respondents will also treat the O.A. as representation preferred by the applicants while taking a decision.

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)