

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.5680/2021
(S.W.P. No.511/2013)

Monday, this the 17th day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

Ghulam Nabi Reshi, Aged 45 years
S/o Mohamdoo Reshi
R/o Village Chatroo
Tehsil Chatroo District Kishtwar.

...Applicant

(Mr. Ajaz Choudhary, Advocate)

VERSUS

1. The State of Jammu & Kashmir
Through Principal Secretary to Government
Public Works Department
Civil Secretariat, Jammu.
2. The Chief Engineer
Public Works Department
Jammu Division, Jammu.
3. The Superintending Engineer
PWD Kishtwar.
4. The Executive Engineer
PWD (R&B) Division Chatroo.

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant contends that he was initially engaged as a daily wager in the Public Works Department in the year 1989 for 89 days and thereafter, he is being continued from time to time. It is stated that the Government framed a scheme under SRO No.64 of 1994, providing for regularization of daily wage employees, but the benefit thereto was not extended to him. When he faced discontinuation as daily wager, he approached the Hon'ble High Court of Jammu & Kashmir by filing SWP No.511/2013, claiming the relief in the form of a direction to the respondents to regularize his services and for extension of the benefits. The Hon'ble High Court passed an interim order on 07.03.2013, directing the respondents to continue the applicant in service.

2. The record discloses that the respondents did not file any counter affidavit.

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.5680/2021.

4. Today, we heard Mr. Ajaz Choudhary, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.



5. It is almost since three decades, that the applicant is said to be working on daily wage basis. Part of that period is covered by the interim order passed by the Hon'ble High Court. The applicant asserts that SRO No.64 of 1994 is still in force and his case is covered by that. We are of the view that even now, his case can be considered in accordance with the said SRO, if it is still in force.

6. We, therefore, dispose of the T.A., directing the respondents to pass orders as regards the entitlement of the applicant for being regularized in terms of SRO No.64 of 1994, within a period of six weeks from the date of receipt of a copy of this order. The interim order passed by the Hon'ble High Court on 07.03.2013 shall remain in force till such an order is passed by the respondents. There shall be no order as to costs.

There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 17, 2021
/sunil/jyoti/sd/