

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.4545/2020
(S.W.P. No.369/2014)

Wednesday, this the 12th day of May, 2021

(Through Video Conferencing)

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

1. Aijaz Wali aged 36 years,
s/o Wali Mohd Dar
r/o Pulwama, Tehsil & District Pulwama
2. Ab. Hamid Shah aged 49 years
s/o Mohd Ramzan Shah
r/o Babapora District Kulgam
3. Ab. Hameed Ganaie s/o Ali Mohd Ganaie
r/o Panjran, District Pulwama

..Applicants

(Nemo for applicants)

VERSUS

1. State of J & K through Commissioner-cum-Secretary
to Education Department, New Secretariat
Srinagar/Jammu
2. Director School Education, Kashmir, Srinagar
3. Personal Officer, Director School Education,
Kashmir, Srinagar
4. Joint Director School Education, Directorate of
School Education, Kashmir, Srinagar
5. Accountant General, Kashmir, Srinagar

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General for respondent
Nos. 1 to 4 - Mr. Raghu Mehta, Senior CGSC respondent No.5)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicants were engaged as Lab Assistants at different points of time. Through an order dated 13.10.2011, the Directorate of School Education regularized their services from the date of their adjustment in in-charge capacity, on probation basis. The applicants filed SWP No.369/2014 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to modify the order dated 13.10.2011 and quash the word "prospectively" inserted in the said order and to grant the benefits monetarily from the date when they physically occupied the post on the analogy of the orders dated 27.08.2012 and 27.08.2012. They have also prayed for extension of the monetary benefits.

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.4545/2020.
4. Today, there is no representation for the applicants. We perused the record and heard Mr. Rajesh Thappa, learned Deputy Advocate General for respondent Nos. 1 to 4 & Mr. Raghu Mehta, learned Senior Central Government Standing Counsel.



5. The applicants were engaged as Lab Assistants on in-charge basis in different Schools in various Districts. In other words, their initial appointment was not regular in nature. Almost as a matter of policy, they were regularized in the post against which they were working on in-charge basis, notionally from the date of initial engagement, but operation-wise, prospectively.

6. The applicants want the regularization to date back to the one of initial engagement. They are unable to cite any provisions of law or any binding precedent. Further, the regularization whenever made is bound to be prospective and the retrospective regularization would be contradiction in terms. When the very regularization is benevolent step taken by the Government, the beneficiary thereof cannot claim a further right unless it is under any specific provisions of law.

7. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 12, 2021
/sunil/jyoti/dsn/