

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/962/2021

This the 30th day of June, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)



1. Altaf Hussain Shah, Age 45 years, S/o Abdul Ahad Shah, R/o Derapora, Yaripora, Kulgam-192231.
2. Imtiyaz Ahmad Thoker, Age 36 years, S/o Mohd Ismail Tokher, R/o Munad Guffan Kulgam-192231.
3. Javid Ahmad Sheikh, Age 38 years, S/o Ghulam Nabi Sheikh, R/o Kulgam-19331.
4. Parveena Akhter, Age 36 years, D.o Ghulam Mohi-din Shiakh, R/o Nawa Devsar, Kulgam-192231.
5. Farooq Ahmad Bhat, Age 41 years, S/o Ghulam Mohd Bhat, R/o Katapora Brehand Kulgam-192331.
6. Mohd Altaf Bhat, Age 36 years, S/o Ghulam Mohd Bhat, R/o machwa Kulgam-192231.
7. Khurshid Ahmad Mir, Age 50 years, S/o Mohd Munawar Mir, R/o Katapora, Kulgam-192231.
8. Ayaz Farooq Sheikh, Age 45 years, S/o Mohd Ayoub Shiekh, R/o Pariwan Kulgam-192231.
9. Fayaz Ahmad Bhat, Age 49 years, S/o Ghulam Hassan Bhat, R/o Gandbal, Qaimoh Kulgam-19231.
10. Mohd Yaseen Sheikh, Age 45 years, S/o Abdul Gaffar Sheikh, R/o Kodder Kulgam-192231.

....Applicants

(Advocate:- Mr. Saqib Amin Parray)

Versus

1. Union Territory of Jammu and Kashmir through Chief Secretary, Civil Secretariat, Jammu/Srinagar-190001.

2. Principal Secretary to Government, Education Department-190001.
3. Director School Education, Srinagar, Jammu and Kashmir-190001.
4. Chief Education Officer, Kulgam, Kashmir-192231.

.....Respondents.

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



ORDER

[O R A L]

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

The grievance of the applicants is that they were contingent paid workers working with the respondents department for more than a decade. It has been submitted that J&K Subordinate Service Recruitment Rules, 2008 provide for regularization of contingent paid workers, class VIII of Schedule-IIIA of rules prescribed for 50% quota by selection from middle school pass and above contingent paid workers are eligible for selection to different posts as provided under Rules.

2. Learned counsel for the applicants submits that the applicants would be satisfied, if a direction is issued to the respondents to consider the case of the applicants for regularization.

3. We have heard Mr. Saqib Amin Parray, learned counsel for the applicants and Mr. Rajesh Thappa, learned D.A.G. for Mr. Amit Gupta, learned A.A.G. for the respondents.

4. The prayer in the O.A. is to direct the respondents to regularize the services of the applicants. 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 applicants also need to be considered in accordance with rules. Beyond that, we cannot issue any direction.



5. We, therefore, dispose of the O.A. directing the respondents to consider the case of the applicants, in terms of the existing policy, relevant schemes, law laid down by various court, 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.

(ANAND MATHUR)
MEMBER (A)
Arun

(RAKESH SAGAR JAIN)
MEMBER (J)