

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.5432/2020  
(S.W.P. No. 1936/2020)

Wednesday, this the 31st day of March, 2021

(Through Video Conferencing)

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

Javeed Ahmad Malik, Age 23 yrs,  
S/o Ghulam Mohd Malik,  
R/o Sumbal Rakh Asham Teshil Sumbal District Bandipora,  
Kashmir.

..Applicant  
(Mr. M S Reshi, Advocate)

VERSUS

1. State of J&K through Commissioner/Secretary to Government, Public Health Engineering, Irrigation & Flood Control Department, Civil Secretariat, Srinagar/Jammu.
2. Chief Engineer, Irrigation & Flood Control Department, Kashmir.
3. Superintending Engineer, Mechanical Circle, Irrigation & Floor Control Department, Srinagar.
4. Executive Engineer, Mechanical Irrigation Division, Baramulla.

..Respondents  
(Mr. Sudesh Magotra, Deputy Advocate General)

### ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant states that he is being engaged as seasonal coolie with effect from 1991 onwards in the Mechanical Irrigation Division, Baramulla. His grievance is that the respondents are not



considering his case for regularization in terms of the existing provisions of law. Reference is also made to a communication dated 29.10.2009 between the Executive Engineer, Mechanical Irrigation Division, Baramulla and Superintending Engineer of the same Department at Srinagar. He filed SWP No.1936/2020 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to consider his case for regularization.

2. The record discloses that the respondents did not file any counter affidavit.
3. This SWP has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5432/2020.
4. Today, we heard Mr. M S Reshi, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.
5. The attempt of the applicant is to get regularized, in the post. It is not known as to whether there exists any post with the description "seasonal coolie" or whether he can be regularized against any other vacancy. Much would depend upon the purport of the relevant provisions. Way back in the year 2009, the Executive Engineer, Baramulla addressed a letter to the

Superintending Engineer, Srinagar, stating that the applicant is being engaged as seasonal coolie from 1991 onwards and that his case may be considered.



6. In the absence of the relevant provisions of law and counter affidavit by the respondents, we cannot adjudicate the issue finally. However, the request of the applicant cannot be kept pending indefinitely.

7. We, therefore, dispose of the T.A., directing the Superintending Engineer, Mechanical Circle, Srinagar, the 3<sup>rd</sup> respondent, to consider the case of the applicant and to pass appropriate orders, duly taking into account, the letter dated 29.10.2009, addressed by the Executive Engineer, Baramulla. The applicant shall also make a representation and order thereon shall be passed within a period of two months thereafter.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
Member (A)

**( Justice L. Narasimha Reddy )**  
Chairman

**March 31, 2021**  
/sunil/vb/ankit/akshaya