

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/1071/2021

This the 20th day of July 2021

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

Abdul Rashid Najar (49), Sl/o Abdul Khaliq Nagar, R/o Takia Behram Shah,
Tehsil and District Anantnag.

.....Applicant

(Advocate:- Mr. Rizwan-Ul-Zaman)

Versus

1. Union Territory of J&K through its Chief Secretary, Civil Secretariat, Srinagar/Jammu-180001.
2. Commissioner Secretary to Govt. Public Health Engineering (Jal Shakti) Department Civil Secretariat, Srinagar/Jammu-180001.
3. Chief Engineer Public Health Engineering (Jal Shakti) Department Kashmir Srinagar/Jammu-180001.
4. Superintending Engineer Public Health Engineering (Jal Shakti) Department Division, K.P. Road, Anantnag (192101)
5. Executive Engineer, Public Health Engineering (Jal Shakti) Department Division Bijbehara Anantnag (192101).
6. Assistant Executive Engineer, Public Health Engineering (Jal Shakti) Department Division Bijbehara Anantnag (192101).

.....Respondents

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

**ORDER
[ORAL]**

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicant was engaged with the respondent department as casual labour and thereafter, the applicant came to be engaged as driver in the department. The grievance of the applicant is that the respondents are not regularizing the services of the applicant

despite the fact that the applicant is serving the respondents from last more than twenty years. Hence, the present O.A.



2. Learned counsel for the applicant submits that the applicant would be satisfied, if a direction is issued to the respondents to consider the case of the applicant for regularization.
3. We have heard Mr. Rizwan-Ul-Zaman, 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, law laid down by various court, rules and regulations governing regularization and if permissible under the rules, within a month 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 applicant while taking a decision.
6. It is made clear that we have not expressed any opinion on the merits of the case.
7. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun...