

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 61/1083/2021**

This the 26<sup>th</sup> day of July 2021

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



1. Mst. Hasina Bano, Age 54 years & 6 months, D/o Mohammad Rajab Kumar, R/o Chinkral Mohalla, Habbakadal, Srinagar (J&K)-190002.
2. Sami Abida, Age 54 years & 3 months, D/o Ali Mohammad Farash, R/o Dadikadal, Zaindar Mohalla, Tankipora, Srinagar (J&K)-190002.

.....Applicant

(Advocate:- Mr. Showkat Ahmad Makroo, Sr. Advocate assisted by Mr. Bilal Ahmad Malla)

**Versus**

1. Union Territory of Jammu and Kashmir through Financial Commissioner, Finance Department, Civil Secretariat, Srinagar/Jammu-190001.
2. Commissioner/Secretary to Government Rural Development & Panchayati Raj Department, Civil Secretariat, Srinagar/Jammu-190001.
3. Director, Rural Development Department, Kashmir, Lal Mandi Srinagar-190001.
4. Assistant Commissioner Development, Srinagar, Lal Mandi Srinagar-190001.

.....Respondents

(Advocate: Mr. Sudesh Magotra, learned D.A.G.)

**ORDER  
[ORAL]**

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

Learned counsel for the applicants submits that the applicant no. 1 was engaged in the respondent department as daily wager on 12.10.1992 and applicant no. 2 on 11.06.1992. The applicants after completion of seven years of continuous service in October, 1999 and June 1999 respectively, were entitled to be regularized in terms of the mandate of SRO-64 of 1994 and in view of the judgement of Hon'ble Supreme Court



delivered in case titled, State of Haryana & Ors vs. Piara Singh, reported in 1992 (4) SCC 118. However, for unknown reasons the case of the applicants for regularization has remained pending though the Committee known as “Empowered Committee” constituted vide Govt. Order No. 139-F of 2015 dated 19.08.2015, held its 13<sup>th</sup> meeting under the Chairmanship of Respondent No. 1, on 04.04.2018 in the meeting Committee has cleared the cases of the applicants for regularization of their services. Despite this fact the cases of the applicants have not been finalized by issuing the regularization orders in their favour retrospectively from the date i.e., 01.04.2001, which is the due date of regularization to which the applicants have been found entitled by the Empowered Committee. The applicants are, as such aggrieved of this inaction of the respondents of not granting them regularization, in terms of recommendation made by the Empowered Committee.

2. We have heard Mr. S A Makroo, Sr. Advocate assisted by Mr. Bilal Ahmad Malla, learned counsel for the applicants and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.

3. The applicants herein are seeking a direction to the respondents to finalize the case of the applicants regarding their regularization of their services against the identified Class-IV posts in view of the decision taken in the 13<sup>th</sup> meeting of Empowered Committee as is substantiated by communicated dated 19.03.2019 read with communication dated 24.08.2018.



4. Looking to the facts and circumstances of the case, we dispose of the O.A. with direction to the respondents to consider the case of the applicants for regularization of their services against identified Class-IV posts in view of the decision taken in the 13<sup>th</sup> meeting of Empowered Committee, in accordance with relevant rules, regulations and law governing the subject matter. Let this exercise be completed within two months from the date of receipt of a certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. No order as to costs.

**(ANAND MATHUR)**  
**MEMBER (A)**

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**

*Arun...*