

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 6811/2020
(S.W.P. No.187/2017)

Thursday, this the 29th day of April, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)



1. Gulzare Ahmad Dar
S/o.Ab.Jabar Dar
R/o. Botango Tehsil
DangarporaDistt; Baramulla aged 26 years.
2. Ferdous Ahmad War
S/o. Late Mohd. Munawar War
R/o. WarporaSoporeDangarpora-Sopore
Distt; Baramulla aged 35 years.
3. Muzzafar Ahmad Bhat
S/o. MohdYousufBhat
R/o. Botango Tehsil
DangarporaSopore,Distt; Baramulla aged 32 years.
4. Parviz Ahmad Bhat
S/o. MohdRamzanBhat
R/o. Bomie, TehsilBomie-Sopore,
Distt; Baramulla aged 32 years.
5. Gh. Hasan Dar
S/o. Ab. Jabar Dar
R/o. Watlab
Tehsil DangarporaSopore,
Distt; Baramulla aged 36 years.
6. AltafHussain Dar
S/o. Ab. Hamid Dar
R/o. Harwan Tehsil
BomieSopore,Distt; Baramulla aged 20 years.
7. Mazhoor Ahmad Khan
S/o. Manzoor Ahmad Khan
R/o. SadporaTehsil
DangarporaSopore, Distt; Baramulla aged 20 years.



8. Fayaz Ahmad Dar
S/o. Gh. Mohd Dar
R/o. Mundji Sopore
Distt; Baramulla aged 34 years.
9. Tariq Ahmad Palla
S/o. Mohd. Muqtarpala
R/o. Duroo Dangarpore Sopore,
Distt; Baramulla aged 38 years.
10. Ashiq Maqbool Baba
S/o. Mohd. Maqbool Baba
R/o. Bomie Sopore
Distt; Baramulla aged 23 years.
11. Mohd. Sayed Lone
S/o. Ab. Satar Lone
R/o. Sagipora Handwara
Distt; Baramulla aged 34 years.
12. Farooq Ahmad Mir
S/o. Mohd. Akbar Mir
R/o. Zalloora Block, Zangir Tujar
Sharif Sopore, aged 34 years.

..Applicants

(Mr. M. Y. Lone, Advocate)

VERSUS

1. State of Jammu and Kashmir through
Commissioner/Secretary to Government
Rural Development
Civil Secretariat, Srinagar/Jammu.
2. Director, Rural Development Kashmir, Srinagar.
3. Project Officer Wage Employment (ACD)
Baramulla.
4. Block Development Officer ZANGIR
Dangarpore Sopore.
5. Block Development Officer Block,
Tujar Sharief Sopore.

...Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicants state that they are engaged for watch and ward duties in the year 2014. The Government issued order dated 17.03.2015 prohibiting the practice of engaging casual or seasonal labourers in various Departments. Certain orders issued earlier for such engagement were also withdrawn. The applicants filed SWP No.2016/2018 before the Hon'ble High Court of Jammu & Kashmir, challenging the said order. They contend that the impugned order is likely to disengage their services.

2. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA No.6811/2020.

3. Today, we heard Mr. M Y Lone, learned counsel for applicants and Mr. Amit Gupta, learned Additional Advocate General.

4. The impugned order is in brief and reads:

“As approved by the Competent Authority, it is hereby ordered that authority to engage Casual/Seasonal Labourers to various Departments as delegated vide Government orders mentioned below or any other order is withdrawn with immediate effect.

1. Government Order No.239-F of 2005 dated 29.01.2005
2. Government Order No.138-F of 2013 dated 23.05.2013
3. Government Order No.105-PD of 2010 dated 25.10.2010.

By order of the Government of Jammu & Kashmir”



5. The Government has every right to regulate its affairs and we do not find any illegality in the order. The applicants are not able to point out as to how the impugned order dated 17.03.2015 is illegal, nor are they able to cite any provision, which is said to have been contravened.

6. Across the Bar, it is stated that even after the impugned order, the applicants are being continued in service. If that is so, the matter is covered by a different set of legal norms altogether. If the applicants are still in service and they are entitled for any benefit of wages, etc., it shall be open for them to work out their remedies.

7. We dispose of the T.A. accordingly. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 29, 2021
/sunil/mbt/sd/