

**0CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/7579/2020

This the 12th day of April, 2021

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

1. Abdul Rashid Zargar, Age: 42 years, S/o Mohd Sultan Zargar. R/o Chattabal District Srinagar.
2. Shakil Ahmad Malik, Age : 30 Years. S/o Ali Mohd, R/o Wadipora Budgam.
3. Ab Hamid Bhat, Age: 37 years, S/o Ab Aziz Bhat, R/o Patalibagh Sombora Pulwama.
4. Bashir Ahmad Magloo, Age: 40 years, S/o Gh Mohd Magloo, R/o Kazibagh, Budgam.

.....Applicants

(Advocate:- Mr. Aftab Ahmad)

Versus

1. State of J&K through Commissioner / Secretary to Government, Health Engineering, Irrigation & Flood Control Department, Civil Secretariat, Srinagar/Jammu.
2. Chief Engineer, Irrigation & Flood Control Department, Kashmir, Srinagar.
3. Superintending Engineer, Mechanical Circle, Irrigation & Flood Control Department, Srinagar.
4. Executive Engineer, Mechanical Irrigation Devision, Srinagar.
5. Assitant Executive Engineer, Mechanical, Irrigation Sub Division, Marval, Budgam.

.....Respondents

(Advocate: Mr. Amit Gupta, ld. AAG)



O R D E R
[O R A L]

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



Learned counsel for the applicants submits that the applicants are working as watch and ward/seasonal laboures in the respondent department since 2012. The applicants are eligible for their regularization in terms of SRO 64/1994 and SRO 520 of 2017 which stipulates regularization benefits to the seasonal workers who have continuously performed their duties for 10 months.

2. Learned counsel for the applicants further submits that the applicants would be satisfied, in case, a direction is issued to the respondents to consider their case for regularization in terms of SRO 64/1994 read with SRO 520 of 2017 dated 21.12.2017 and release the unpaid wages of the applicants.
3. We have heard Mr. Aftab Ahmad, learned counsel for the applicants and Mr. Amit Gupta, ld. AAG for the respondents and perused the record.
4. The prayer in the TA 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 TA directing the respondents to consider the cases of the applicants, in terms of the existing policy and relevant

schemes governing regularization and also release the legitimately earned wages, if permissible under the rules, within a period of two months from the date of receipt of a certified copy of this order. It is made clear that we have not expressed any opinion on the merits of the case. There shall be no order as to costs.



(ANAND MATHUR)
MEMBER (A)

JNS

(RAKESH SAGAR JAIN)
MEMBER (J)