



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 8209/2020
(SWP No.1328/2017)

Thursday, this the 18th day of March, 2021

(Through Video Conferencing)

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

1. Mohammad Altaf Rather (age 35 years)
s/o Mohammad Sultan Rather
r/o Naidkhai, Sumbal Sonawari,
Distt. Bandipora
2. Anayatullah Yatoo (age 30 years)
s/o Bashir Ahmad Yatoo, r/o Gundbon, Naidkhai

..Applicants

(Ms. Saima Mehboob, Advocate)

Versus

1. State of Jammu and Kashmir through Commissioner/
Secretary to Govt., Power Development Department, Civil
Secretariat, Srinagar
2. Chief Engineer, Power Development Department
Kashmir, Srinagar
3. Executive Engineer, Electric Division Sumbal
4. Assistant Executive Engineer, Electric Sub Division, Hajin

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicants contend that they are working as casual labourers in the respondent-department since long time and though a list was prepared by the respondents in this behalf, their names were wrongly omitted. It is also stated that they are entitled for being extended the benefit of regularization on account of their continuous working for a long period. They filed SWP No.1328/2017 before the Hon'ble High Court of Jammu & Kashmir, claiming the relief in this behalf.

2. The respondents filed a counter affidavit, stating that the list filed in the SWP is not an authenticated one and at any rate, the names of the need basis labours are included, depending upon the engagement in the previous terms. They further contend that the applicants were not working at the relevant point of time and they do not have any right to be considered for absorption.

3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No.8209/2020.

4. Today, we heard Ms. Saima Mehboob, learned counsel for applicants and Mr. Amit Gupta, learned Additional Advocate General.

5. The grievance of the applicants is that their names were not included in the list, said to have been published by the Assistant Engineer, Electrical Sub Division, Hajin. However, the respondents made a clear statement in the counter affidavit that the list is not an authenticated one. Even otherwise, it is not signed by any officer. Be that as it may, the very caption of the list is “need basis labours”. In other words, the persons, named therein, are engaged as and when there exist a need and not continuously.

6. Assuming that the applicants belong to that category, they can seek the relief of absorption, if only they are continuously engaged for a specific length of time, against a sanctioned post. It is not known as to whether the applicants are being engaged at the present.

7. We, therefore, dispose of the T.A., directing that in case the applicants are engaged in the respondent-department at any point of time, the necessary certification in this behalf shall be made and depending on the eligibility of the applicants, their cases for extension of the corresponding benefit shall also be considered.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 18, 2021
/sunil/jyoti/vb/ankit