

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

Hearing through video conferencing

T.A. No. 62/1126/2021

This the 16th day of April, 2021



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

Nisar Ahmad Khanday, age 42 years, S/o Mohammad Ahsan Khanday, R/o Sanidarwan Tehsil Chrari Shareef, District Budgam.

.....Applicant

(Advocate:- Mr. M.Y. Parray)

Versus

1. State of Jammu & Kashmir through Commissioner Secretary to Govt., Sheep Husbandry Department, Civil Secretariat, Srinagar.
2. Director Sheep Husbandry Department, Kashmir, Srinagar.
3. District Sheep Husbandry Officer, Budgam.
4. Assistant Research Officer, Sheep Breeding Farm, Kralpathri, District Budgam.

.....Respondents

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

ORDER

[O R A L]

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

Learned counsel for the applicants submits that the applicant is working as seasonal labour in the respondent department since 1994. The applicant is eligible for his 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 applicant would be satisfied, in case, a direction is issued to the respondents to consider his case for regularization in terms of SRO 64/1994 read with SRO 520 of 2017 dated 21.12.2017.

3. The prayer in the TA 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 applicants also need to be considered in accordance with rules. Beyond that, we cannot issue any direction.

4. We, therefore, dispose of the TA directing the respondents to consider the case of the applicant, 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)

(RAKESH SAGAR JAIN)
MEMBER (J)

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