



## **Central Administrative Tribunal Jammu Bench, Jammu**

T.A. No. 1471/2021  
(SWP No.1061/2008)

Tuesday, this the 2<sup>nd</sup> day of March, 2021

(Through Video Conferencing)

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

1. G.N. Hafiz S/o Asadullah Hafiz  
R/o Nishat Srinagar age 34 yrs.
2. Javaid Ahmad Hafiz S/o G.N. Hafiz  
R/o Nishat, Srinagar age 30 yrs.
3. Kulsum Arif D/o Abdul Majid Lone  
Age 26 yrs.
4. Imtiyaz Ali Bhat S/o Ali Mohamamd Bhat  
R/o Kulgam age 30 yrs.
5. Tabinda Nazir D/o Nazir Ahmad  
R/o Saidakadal Srinagar age 27 yrs.
6. Gulshan ali D/o Ali Mohammad Mir  
R/o Budgam age 30 yrs.
7. Nighat Fatima D/o Ghulam Mustafa Khan  
R/o Lalbazar Srinagar age 34 yrs.
8. Manzoor Ahmad S/o Mohammad Saidulla  
R/o Anantnag age 26 yrs.
9. Razia Hamid D/o Abdul Hamid  
R/o Tangdar age 27 yrs.
10. Arifa Mehmood D/o Mehmood Ashraf  
R/o Kamarwari age 27 yrs.
11. Nisar Ahmad Lone S/o Mohammad Aslam Lone  
R/o Kulgam age 29 yrs.
12. Munir Ahmad Bhat S/o Abdul Majid Bhat  
R/o Magarmal Bagh Srinagar aged 28 yrs.
13. Irfana Rashid S/o Abdul Rahis Khawaja  
R/o Seelo Sopore age 24 yrs.
14. Ilyas Maqbool S/o Mohammad Maqbool Wani  
R/o Bandipora age 34 yrs.



15. Showkat Ahmad Bhat S/o Mohda Bhat  
R/o Bandipora aged 38 yrs.
16. Kounsar Hussain D/o M. Hussain Sheikh  
R/o Nowgam Angnatnag age 26 yrs.
17. Nelofar Rashid D/o Abdul Rashid Najar  
R/o Bahi Islama Baramulla aged 27 yrs.
18. Nusrat Ali Khan D/o Liyakat Ali  
R/o Budgam aged 28 yrs.
19. Sharafulhaq S/o N.A. Masoodi  
R/o Bemina age 28 yrs.
20. Bib Roi D/o M. Abdullah Khanday  
R/o Anantnag age 26 yrs.
21. Ifshana Gul D/o Gh. Nabi Shah  
R/o Salar Anantnag age 28 yrs.
22. Parvez Ahmad Dar S/o Gh. Rasool  
R/o Charesharief age 33 yrs.
23. Syed Nighat D/o S. Ajaz Kalandar  
R/o Bemina age 24 yrs.
24. Rifat Sareer D/o Sareer Ahmad Lone  
R/o Kulgam age 26 yrs.
25. Mukhtar Rafiq Peer S/o M. Rafiq Peer  
R/o Namblabal Pampore age 33 yrs.
26. Rahi Abdul Rashid S/o M. Subhan Dhobi  
R/o Bandipora age 26 yrs.
27. Showkat Ahmad S/o Abdul Ahad  
R/o Pattan age 19 yrs.
28. Firdous Ahmad Lone S/o G.N. Lone  
R/o Rohama age 27 yrs.
29. Gh. Hyder S/o asadullah Dar  
R/o Baghwoder Bandipora age 30 yrs.
30. Tahira Munawar D/o M. Munawar Bhat  
R/o Bandipora age 24 yrs.
31. Aftab Ahmad Wani S/o G.N. Wani  
R/o Litter Pulwama age 26 yrs.
32. Ajaz Ahmad Wani S/o Mohammad Abdullah Wani  
R/o Klil Pulwama age 34 yrs.

..Applicants  
(Ms. Rehana Fayaz, Advocate for Mr. Zaffar A. Qureshi, Advocate)

Versus



1. Commissioner Cum Secretary to Government  
Technical Education, Civil Secretariat, Srinagar/Jammu.
2. Director, Technical Education J&K, Srinagar.
3. Principal Industrial Training Institute, Srinagar.
4. Principal Industrial Training Institute, Budgam.
5. Principal Industrial Training Institute, Anantnag.
6. Principal Industrial Training Institute, Sopore.
7. Principal Industrial Training Institute, Kulgam.
8. Principal Industrial Training Institute, Handwara.
9. Principal Industrial Training Institute, Kangan.
10. Principal Industrial Training Institute, Kargil.
11. Principal Industrial Training Institute, Baramulla.
12. Principal Industrial Training Institute, Bandipora.
13. Principal Industrial Training Institute, Rohama.
14. Principal Industrial Training Institute, Pampore.
15. Principal Industrial Training Institute, Seer Hamdan.
16. Principal Industrial Training Institute, Charisharief.
17. Principal Industrial Training Institute, Pulwama.
18. Principal Industrial Training Institute, Lalpora.
19. Principal Industrial Training Institute, Pattan

..Respondents  
(Mr. Sudesh Magotra, Deputy Advocate General)

## ORDER (ORAL)

### Mr. Justice L. Narasimha Reddy:

The applicants, 32 in number, were engaged as Instructors in the Women Industrial Training Institutes (ITIs) in the State of Jammu & Kashmir on contractual basis in the academic session 2005-06. They were continued up to the year 2008, but a decision was taken by the Government to discontinue such



engagements on account of the fact that the scheme, under which the ITIs were introduced, has lapsed. This, in turn, was communicated through a letter dated 11.07.2008. Since the applicants were facing the termination of their services, they filed SWP No.1061/2008 before the Hon'ble High Court of Jammu & Kashmir. It was pleaded that though they were appointed under Centrally Sponsored Scheme (CSS), there existed various arrangements in the State of Jammu & Kashmir for regularization of contractual and daily wage employees, and they were denied such benefit without any reason or basis. Various other contentions are also urged. The Hon'ble High Court passed an interim order, directing the continuance of the applicants.

2. The respondents filed a counter affidavit opposing the SWP. According to them, the engagement of the applicants had to be discontinued since the ITIs were established under CSS and that, in turn, has come to an end. They have also pleaded that the applicants are not entitled to be extended the benefit of SRO No.255 of 2003 or any other provisions of law.
3. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as T.A. No.1471/2021.
4. Today, we heard Ms. Rehana Fayaz, learned counsel for applicants and Mr. Sudesh Magotra, Deputy Advocate General, through video conferencing.

5. It is not in dispute that the applicants were engaged as Instructors in the ITIs by the State Government on contractual basis for the academic session 2005-06. They have also been continued beyond the original term of engagement. The impugned circular was issued on 11.07.2008, indicating the factum of arrangement coming to an end, and it reads:



“The academic arrangements made by the department in different ITIs /Women ITIs for conducting the academic activities of the trades introduced under Prime Minister’s Reconstruction Plan and Centrally Sponsored Scheme shall cease from the date the current academic session is over after holding the Final Trade Test under NCVT/SCVT Programme. No previous arrangement shall continue after the stipulated date and the department shall make fresh arrangements for conducting the training programme for the next academic session, if the selections of the suitable candidates is not received from the J&K Services Selection Board to whom the post of Vocational Instructors stand referred for selection purposes.

All the Heads of the ITIs shall acknowledge the receipt of the Circular and shall ensure the compliance of the instructions in letter and spirit.”

6. It may be true that the Central funding may have stopped. However, the circular is silent as to whether the ITIs were established under the scheme and whether they were closed. In case, the ITIs are being continued, there is no reason to discontinue the applicants. On the strength of interim order, the applicants are being continued. It is brought to our notice that out of 32, 15 applicants have left the service and 17 are still continuing. That itself would indicate that the work is existing, even as of now.



7. The State of Jammu & Kashmir framed a scheme under SRO No.255 of 2003, providing for regularization of the contractual employees. The question as to whether the case of the applicants can be considered under that, needs to be examined in detail, by the respondents. Even otherwise, if the applicants are found eligible for regularization under the said SRO, the steps can be taken to consider their cases for regular appointment, as and when it takes place, duly extending the benefit of age relaxation to the extent permissible under law.

8. We, therefore, dispose of the T.A., directing that the respondents shall continue such of the applicants, who are in service as of now, and to consider their cases for regularization under the extant scheme as and when the steps are taken in this behalf. The regularization of the applicants would depend upon the performance, merit and eligibility. We make it clear that no conditions in this behalf are relaxed by the Tribunal. However, if the applicants are not found eligible for regularization, a detailed reasoned order shall be passed in this behalf. There shall be no order as to costs.

**( Pradeep Kumar )**  
Member (A)

**( Justice L. Narasimha Reddy )**  
Chairman

**March 2, 2021**  
/dkm/sd/sunil/jyoti/