

Item No.2



# Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 1981/2020  
(SWP No.1476/2009)

Monday, this the 12<sup>th</sup> day of July, 2021

(Through Video Conferencing)

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

Ali Muhammad Rather,  
s/o Ghulam Ahmad Rather  
r/o Hanjiwira, Trikolbal, age 35 years

..Applicant

(*Nemo* for applicant)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Government Public Health Engineering & I&FC Department, Civil Secretariat, Jammu/Srinagar
2. Chief Engineer, Public Health Engineering Department, Kashmir, Srinagar
3. Executive Engineer, Water Supply Master Plan Division, Srinagar

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

## ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant states that he was working on casual daily wages basis from 1993 with the Public Health Engineering

Department, and though he complied with the conditions stipulated under SRO No. 64, the respondents did not regularize his services. After filing certain representations, the applicant filed SWP No. 1359/2009 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to regularize his services in terms of SRO No. 64 retrospectively and to extend him, the benefits of continuity of service and other financial benefits. He contends that there is no basis for the respondents in denying him the benefit of regularization.

2. The respondents filed a detailed counter affidavit. It is stated that the applicant was engaged only during the year 1999-2000 and his claim that he is working since 1993 is not supported by any record. They contend that it is only when an employee worked continuously for a period of seven years on daily rated wages and the record from the date of engagement is available, that the benefit of regularization can be extended, and since the applicant did not fulfil the same, he was not regularized.

3. On 11.04.2012, the Hon'ble High Court passed an order directing the respondents to consider his case in terms of communication dated 07.02.2008.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No. 1981/2020.

5. Today, there is no representation for the applicant. Therefore, we perused the record and heard Mr. Sudesh Magotra, Deputy Advocate General.

6. Though the applicant claims that he is working since 1993, there is no proof or record to support that. The respondents have stated that the applicant worked for certain months in the year 1999-2000 and he did not fulfil the conditions stipulated under SRO No. 64. When there exists such disputed questions of fact, we cannot grant any relief to the applicant.

7. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(**Mohd. Jamshed**)  
Member (A)

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

July 12, 2021  
/sunil/ankit/