

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No. 451/2021
(SWP No. 2067/2011)

Wednesday, this the 07th day of April, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Anand Mathur, Member (A)

Abdul Majeed Mir, aged 52 years
s/o Mohd. Maqbool Mir
r/o Rambirpora, Tehsil & District Anantnag

..Applicant

(*Nemo* for applicant)

VERSUS

1. State of Jammu and Kashmir through
Chief Secretary, Home Department,
J & K Jammu/Srinagar
2. Director General of Police, Prisons & Fire Service,
Jammu/Srinagar
3. Additional Director General of Police Prisons &
Fire Services, J & K Srinagar
4. Superintendent of Police Central Jail, Srinagar

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

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

The applicant states that he was engaged as daily wager in the year 1994 in the establishment of Director General of Police, Prisons & Fire Services, Jammu & Kashmir, the 2nd respondent herein and filed SWP No.2341/1997 before the Hon'ble High Court of Jammu & Kashmir, claiming the relief of appointment against substantive vacancy. The SWP was disposed of on 19.08.1998 with a direction to the respondents to pass orders. In compliance with the same, the respondents passed an order dated 25.11.1998, stating that the applicant never worked against any post before 16.08.1996 and accordingly his claim was rejected. Challenging the said order, the applicant filed SWP No.2067/2011 before the Hon'ble High Court. He contends that the impugned order is passed contrary to the facts and he is entitled to be regularized.

2. On behalf of the respondents, a detailed counter affidavit is filed, stating that the applicant did not work against any vacancy and the question of regularization does not arise.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.451/2021.



4. Today, there is no representation for the applicant we heard Mr. Rajesh Thappa, learned Deputy Advocate General; and perused the record.

5. The occasion to regularize the contractual or daily wager employee in service arises, if only he worked against any sanctioned post and he held the requisite qualifications. In the instant case, the applicant did not work against any substantive vacancy at all. Even as per the observations made by the Hon'ble Supreme Court in **Secretary, State of Karnataka & others v. Umadevi & others**, (2006) 4 SCC 1, the regularization can be only when the contractual employee or a daily wager worked against the substantive vacancy. Further, the applicant has crossed the age of superannuation. No relief can be granted.

6. The T.A. is accordingly dismissed. There shall be no order as to costs.

(Anand Mathur)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 7, 2021

/sunil/rk/