

Government of Jammu and Kashmir
Jal Shakti Department
Civil Secretariat, Jammu/Srinagar

Subject: - CCP (S) No. 285/2019 titled Mohd. Shafi and Anr Vs A.K. Mehta and Anr in SWP No. 2663/2018 titled Mohd. Yasin and others Vs State of J&K and others

Government Order No.: 15 -JK (JSD) of 2023.

Dated: 01 -02-2023.

1. Whereas, petitioners, Shri Mohd. Yasin & ors. (hereinafter called petitioners) filed the writ jurisdiction bearing SWP No. 2663/2011 before the Hon'ble High Court of Jammu and Kashmir at Jammu and sought relief therein to direct the respondents to regularize the services of the petitioners in terms of Jammu and Kashmir Daily Rated Workers/Work Charged Employees (Regularization) Rules, 1994 i.e. SRO 64 of 1994 retrospectively from the date when the petitioners have completed 07 years service as daily wagers/daily rated workers and further, to accord similar treatment to the petitioners as have been done in case of one Jaffar Hussain who was engaged on 01.04.1992 and was regularized pursuant to the order dated .05.09.2010; and
2. Whereas, the Hon'ble Court considered the matter on 28.12.2018 and passed the judgment, the relevant portion, whereof, reads as under:-

“Considering the averments made, this petition is disposed of with a direction to the Commissioner/ Secretary, Finance Department to take an appropriate decision with regard to the matter pending before him within a period of one month from today. Thereafter, the matter shall be considered by the competent authority, which shall pass appropriate orders within a period of two months from the date of receipt of the decision of the Finance Department.

Disposed of accordingly along with connected IA.”

3. Whereas, pursuant to the directions passed by the Hon'ble Court on 28.12.2018 the matter was examined in the Department and that the case of the petitioners among others for regularization under SRO-64 of 1994 had been referred to the Finance Department for placing the same before the Empowered Committee; and
4. Whereas, the Finance Department returned the case to the department along with the Minutes of meeting of the Empowered Committee which reveal that out of 47 petitioners 37 petitioner among others had been engaged as casual labourers/part time workers as per nomenclature recorded in their MRs and paid wages at lesser rates than the notified rates up to ending 2010. The committee had further observed that the department should consider and

process such cases under SRO-520 of 2017, and 10 petitioners among others found incomplete and deficiencies were raised as against each case; and

5. Whereas, the Chief Engineer, PHE Department, Jammu was requested to furnish documentary evidence of the deficiencies/ as observed in favour of the 10 out 47 petitioners among other DRW's; and
6. Whereas, the Chief Engineer (PHE) Jal Shakti Department Jammu also vide his letter dated 27.01.2023 furnished the reply to the observations of 10 petitioners among others and the perusal of which reveals that these petitioners too were engaged on Need Basis/Part time basis and, therefore, none of the petitioners fulfills the prescribed conditions of SRO 64 / SRO 520; and
7. Whereas, the case has been examined in the Department and it has been found that the claim of the petitioners is not maintainable;

Now, therefore, the claim of the petitioners, having been considered with due deference to the order dated 28.12.2018, passed by the Hon'ble High Court in SWP No. 2663/2018 titled Mohd. Yasin & Ors Vs State of J&K & Others, and on being found devoid of any merit for the aforesaid reasons, is, accordingly, rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

Principal/Secretary to the Government,
Jal Shakti Department.

No. JSD-LS02(1)/462/2022-Legal-JSD (C No. 7046318)

Dated: 01-02-2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, (PHE) Jal Shakti Department, Jammu for information and necessary action.
3. Ld. Deputy Advocate General, High Court of Jammu & Kashmir and Ladakh for information and necessary action.
4. Private Secretary to Principal Secretary to the Government Jal Shakti Department for information of the Principal Secretary
5. Incharge website, Jal Shakti Department.
6. Monday Return file (w.2.s.c).
7. Government order file.

(Sahil Mahajan)
Under Secretary to Government,
Jal Shakti Department