

Government of Jammu and Kashmir  
Jal Shakti Department  
Civil Secretariat, J&K

Sub:- SWP No. 1029/2013 titled Bansi Lal V/S State and Others.

Government Order No. 152 - JK (JSD) of 2023  
Dated: 11 .07.2023

1. Whereas, Mr. Bansi Lal S/o Sh. Chajju Ram filed writ petition bearing SWP No. 1308/2004 before the Hon'ble High Court of J&K Jammu and sought relief for his regularization of service on the ground that he has completed seven years of his service since the date of his engagement; and

2. Whereas, the Hon'ble High Court finally disposed of the case on 02.03.2006, the operative part of which reads as under:-

***"The writ petition is disposed of with the direction to the respondents to accord consideration to the case of petitioner for his regularization in terms of law and rules governing the field. Till consideration is accorded to the petitioner shall not be replaced by another person on consolidated basis, on which basis the petitioner is working"***

3. Whereas, the petitioner filed another SWP No 1029/2013 titled Bansi Lal V/S State and Others before the Hon'ble High Court in which petitioner had sought relief in the nature of writ of mandamus, for direction to the respondents to regularize the service of the petitioner against the post of Class -IV employee, on which the petitioner is working since October, 1992, from the date the petitioner has completed seven years continuous service, and restrain respondents to terminate, disturb and replace the petitioner from the said post.

4. Whereas, the Hon'ble High Court while considered the case of the petitioners on 15.04.2019 disposed of the case with the direction, the operative part of which reads as under:-

***"..... In view of the aforesaid, this writ petition is disposed of by directing the respondents to consider the case of the petitioner for regularization of his services on the post of Class IV employee from the date he is working since October, 1992 in accordance with the rules***

***Disposed of as above alongwith connected IA....."***

5. Whereas, the case has been examined in pursuant to the direction passed by the Hon'ble High Court and it is found that the Chief Engineer, PHE Jammu vide letter No. PHEJ/GE/13529 dated 13.02.2012 intimated that the petitioner was engaged on 10/1992 as

Contingent Paid Worker by concerned Junior Engineer and wages paid out of the imprest to him; and

6. Whereas, the department on examination of the issue and also after having interdepartmental consultation with the Department of Law Justice and Parliamentary Affairs and in pursuance to the order passed by the Hon'ble High Court, it revealed that the petitioner was engaged as CP worker by the concerned JE in the year 1992 and there is no rule in vogue to bring any CP worker against any permanent establishment in the department; and

7. Whereas, as per communication No. PW/PHE/NGJ/232/98-II dated 16.01.2013, the petitioner was declared as Daily Rated Worker, without any legal justifications and was void-ab-initio, as such the petitioner was not eligible for the benefit of regularization under SRO-64, as the said SRO can be implemented for those DRWs only, who were engaged as DRWs before 31.03.1994;

Now, therefore, with due deference to the orders/directions passed by the Hon'ble High Court in SWP No. 1308/2004 and SWP No. 1029/2013 titled Bansi Lal V/S State of J&K & Ors, the claim of the petitioner, having been considered in light of the rules, on being found devoid of any merit, is accordingly, rejected, and the letter No. PW/PHE/NGJ/232/98-II dated 16.01.2013 is hereby withdrawn ab-initio.

**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)/453/2022 (7042479)

Dated: 11.07.2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, PHE, Jammu
3. Ld. Deputy Advocate General, J&K High Court, Jammu for information and filing of compliance before the Hon'ble High Court.
4. Private Secretary to the Principal Secretary to the Government, Jal Shakti Department for information of Principal Secretary.
5. I/c Website, Jal Shakti.
6. Government Order file.w.2.s.c.



(Arifa Ashraf)

Under Secretary to the Government,

