

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

Subject: - CCP (S) No. 287/2019 in SWP No. 1864/2017 titled Chain Singh Vs State of J&K and Ors.

Government Order No. 230-JK (JSD) of 2023
Dated: 21-09-2023.

1. Whereas, Shri Chain Singh invoked the writ jurisdiction under Article 226 of the Constitution of India by filing a writ petition bearing SWP No. 1864/2017 before the Hon'ble High Court at Jammu with the plea that the petitioner has worked with entire satisfaction of his superiors in the department and the wages have been paid regularly and is entitled for regularization in terms of SRO 64 of 1994.
2. Whereas, the Hon'ble High Court of J&K at Jammu has disposed of the writ petition and passed an order on 04.08.2017 reproduced as under:-

"This petition alongwith connected MP is disposed of with the directions to the respondents to consider the case of the petitioner for regularization strictly in accordance with the provisions of SRO-64 of 1994 in case he fulfills the eligibility. Let appropriate order passed within a period of three months from the date a copy of this order is served upon them. In case of regularization, his case for retrospective benefits shall also be considered on merits."
3. Whereas, in pursuance to the directions and on examination of the matter some deficiencies has been found in the case of the petitioners after consultation with the Finance Department and in the meantime, the Finance Department returned various similarly situated case files with the observation as under:-

"The Department is intimated that on the issue of Legality of SRO-520/SRO-64, the Department of Law, Justice and Parliamentary Affairs has opined that these executive orders, statutory rules and legislative enactments are violative of Article 14, 15 and 16 of Constitution of India and in view of law laid down by Hon'ble Supreme Court of India in constitutional bench judgment rendered in "Uma Devi" case. The Law Department has advised that SRO-64 and SRO-520 may be reviewed by Finance Department and General Administration Department."

4. Whereas, after having inter departmental consultations, , the Department of Law, Justice & P.A, has earlier also in relation to regularization matter opined that the policy of regularization in terms of executive orders, statutory rules and legislative enactments are violative of Article 14, 15 and 16 of the Constitution of India.

Now, therefore, the claim of the petitioner has been considered with due deference to the order dated 04.08.2017 passed by the Hon'ble High Court in SWP No. 1864/2017 titled Chain Singh Vs State of J&K & Others and with the opinions issued by the Department of Law, Justice and P.A, Finance Department and General Administration Department, has been found devoid of any merit for the aforesaid reasons and is accordingly, rejected.

By order of the Government of Jammu and Kashmir.

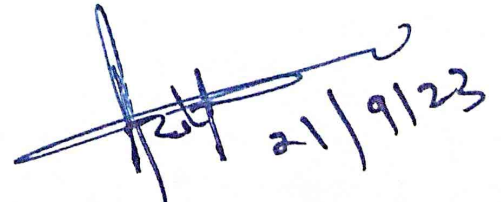
Sd/-
(Shaleen Kabra) IAS
Financial Commissioner (ACS)
Jal Shakti Department

No. JSD-LS02(1)/292/2023-Legal-JSD-7295476

Dated:-21.09.2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, PHE, Jammu.
3. Director, Archives, Archaeology and Museums, J&K.
4. Private Secretary to Financial Commissioner (ACS), Jal Shakti Department.
5. PA to Secretary in the Jal Shakti Department.
6. Concerned.
7. Government Order file (w.2.s.c).
8. I/c Website.

 21/9/23

(Arifa Ashraf)
Under Secretary to the Government,
Jal Shakti Department