

**HIGH COURT OF JAMMU AND KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2047/2025
CM No.4654/2025

Binder, Age 36 years

....Petitioner

W/O Sham

R/O H. No.64, Valmiki Colony,
Gandhi Nagar, Jammu.

Through :- Mr. Jagpaul Singh, Advocate.

V/s

1. Union Territory of Jammu & Kashmir through Commissioner-cum-Secretary to the Government, Housing and Urban Development Department, Civil Secretariat, Jammu.
2. Jammu Municipal Corporation through its Chairman, Town Hall, Jammu.
3. Commissioner, Jammu Municipal Corporation, Town Hall, Jammu.
4. Joint Commissioner (A), Jammu Municipal Corporation, Town Hall, Jammu.
5. Director Health Services, Jammu.
6. Chief Medical Officer, Jammu.

Through :-

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
30.07.2025

01. The petitioner, claiming to have been engaged as Safai Karamchari (sanitation worker) with the Jammu Municipal Corporation (JMC) in

the year 2013 on casual basis, has approached this Court through the medium of instant petition seeking issuance of a writ in the nature of mandamus, commanding respondent No.3, to communicate with respondent No.5, for the constitution of a Medical Board to determine the age/date of birth of the petitioner; and further command the official respondents to regularize the service of the petitioner, in terms of JMC Order No.54 of 2023 dated 17.01.2023, upon determination of her date of birth and verification of other requisite documents

02. The grievance of the petitioner is that vide JMC Order No.54 of 2023 dated 17.01.2023 sanction was accorded for the regularization of 535 sanitation workers subject to verification of original documents/antecedents by the competent wherein the name of the petitioner figures at serial No.224 of the said list, however, the petitioner's services were withheld on the sole ground that no official record of her date of birth exists. The petitioner submits that in the past, in terms of JMC Order No. 164 of 2010 dated 05.06.2010, similar cases were dealt with by directing respondent No.5 to constitute a Medical Board for determination of age, particularly in cases of illiterate employees who lacked educational or any other documentary proof of their date of birth. In the instant case, the petitioner has already made representation to respondent No.3, but as on date, no Medical Board has been constituted, leading to inaction and continued denial of regularization benefits to the petitioner.
03. Heard learned counsel for the petitioner and perused the material on record.

04. Regulation 35-AA(a)(iv) of the Jammu & Kashmir Civil Service Regulations clearly stipulates that for illiterate employees without valid proof of age, a Medical Board comprising the Chief Medical Officer, Radiologist, and Dental Surgeon of the concerned District shall ascertain the age. This Regulation applies squarely to the case of the petitioner. The prayer made by the petitioner is limited and reasonable, as it only seeks the implementation of an existing administrative process. Denying this request would result in unfair discrimination, especially when other similarly placed employees have already been given the benefit of regularization. Such denial, violates the right to equality and non-discrimination, guaranteed under Articles 14 and 16 of the Constitution of India. The Supreme Court in ***Randhir Singh v. Union of India & Ors. (1982) 1 SCC 618*** has held that equal pay for equal work and equal treatment among similarly situated employees is a fundamental right under Article 14 of the Constitution.
05. In view of the above, the petition is **disposed of** at the threshold, without issuing notice to the respondents, keeping in view the innocuous nature of the relief sought, with the following directions:
1. Respondent No.5 is directed to constitute a Medical Board within a period of four weeks from the date of receipt of a certified copy of this order, in terms of Regulation 35-AA(a)(iv) of the Jammu and Kashmir Civil Services Regulations, for the purpose of determining the age of the petitioner.
 2. Respondent No.3 shall ensure that all necessary formalities are completed within one week to enable respondent No.5 to act accordingly.
 3. Upon receipt of the Medical Board's report, the respondent No.3 shall take appropriate steps for the

regularization of the services of the petitioner, in accordance with JMC Order No. 54 of 2023 dated 17.01.2023 and other applicable orders, within a further period of four weeks.

06. It is, however, made clear that nothing in this order shall preclude the respondent No.3 from carrying out verification of the petitioner's documents and antecedents, in accordance with law.

07. Disposed of, accordingly, alongwith connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
30.07.2025
Narinder

Whether approved for judgment: Yes/No

