

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

WP (C) No. 2479/2025

UT of J & K and Ors.

.....Applicant(s)/Petitioner(s)

Through :- Mr. Suneel Malhotra, GA

v/s

Sunak Singh

.....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER(ORAL)

09.09.2025

Sanjeev Kumar J

1. Impugned in this petition, filed under Article 226 of the Constitution of India, is an order and judgment dated 28.04.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in TA No. 7008/2020 titled “Sunak Singh vs. State of J & K and Ors.”, whereby the Tribunal has, while allowing the writ petition, directed the respondents therein to regularize the services of the respondent herein in terms of SRO 64 of 1994 subject to fulfillment of requisite formalities.
2. There is a further direction to pay the pending wages based on the verified entries in the attendance register and muster rolls.
3. The impugned judgment is challenged by the petitioners, primarily, on the following grounds: -

- i. The Tribunal has not appreciated that the daily wage services of the respondent stood disengaged with effect from 17.05.2008 and, therefore, he was not in service when the judgment impugned was passed, directing the petitioners to regularize his services.
- ii. That the Tribunal has also failed to appreciate that the respondent being a casual labourer was not covered by SRO 64 of 1994.

4. Having heard learned counsel for the petitioners and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal is both factually and legally correct and does not call for any interference.
5. Admittedly, the respondent was engaged as a daily wager on 08.03.1994 and was in service when he filed writ petition being SWP No. 1179 of 2008. The respondent had completed continuous service of 7 years, as required for regularization under SRO No. 64 of 1994, in the year 2001 itself and had, thus, acquired right to seek regularization under the provisions of SRO No. 64 of 1994. The respondent having been appointed prior to 31.03.1994, was, thus, entitled to continue in the engagement till he would complete seven years service. This is so provided very clearly in Rule 8 of SRO 64 of 1994.
6. In that view of the matter, it cannot be disputed that the respondent acquired right of regularization under SRO 64 of 1994 with effect

from 01.04.2001. The plea of Mr. Suneel Malhotra, learned GA that he was working as a casual worker needs to be noticed only for rejection. We have already explained the distinction between a casual labourer and a daily wager in umpteen judgments. A person who has been working continuously for years together and has been paid the wages as per the minimum rate of wages fixed by the Government cannot be termed as a casual worker.

7. From the perusal of record it transpires that, on completion of seven years continuous service as daily wager, the case of the respondent was recommended by his office for regularization, but the same was not considered for reasons which are not discernible from the record. It is only when the respondent could not persuade the petitioners to consider him for regularization, writ petition was filed before this Court in the year 2008, which, on transfer to the Tribunal, was registered as TA No. 7008/2020. So far as disengagement of the respondent with effect from 17.05.2008 is concerned, suffice it to say that an order dated 02.12.2008 was managed to defeat the rights of the respondent claimed in the petition. The order dated 02.12.2008, which purports to have disengaged the respondent with effect from 17.05.2018, has been prepared during the pendency of the petition and with clear object of defeating the rights of the respondent. Otherwise also, the respondent having acquired right of regularization with effect from 31.03.2001 could not have been disengaged for any reason whatsoever except for misconduct or unauthorized absence.

8. Be that as it may, we are of the considered opinion that the judgment passed by the Tribunal is well reasoned and in consonance with the settled legal position.
9. For these reasons, we find no merit in this petition and the same is, accordingly, dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
09.09.2025
Manik

Whether this order is speaking: yes/no

Whether this order is reportable: yes/no

