

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

Case No.
WP(C) No. 2961/2025
CM No. 6783/2025

Pronounced on: 27.10.2025

Rishi Kumar & Ors

.....Petitioner(s)

Through: Mr. Rajeev K Sangotra, Advocate

Vs

UT of J&K & Ors

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

JUDGMENT(ORAL)

- 01.** Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioners are seeking directions in the nature of mandamus for commanding the respondent No.3 to initiate the process for ascertaining their Dates of Birth by communicating the respondent No.5 to constitute a Medical Board for determination the same so that their services are regularized in furtherance of the JMC Order No. 164 of 2010 dated 05.06.2010, with further direction to the official respondents to regularize their services as Sanitation workers in view of the Order No. 54 of 2023 dated 17.01.2023 and order dated 11.02.2023 passed by the respondent Nos. 3 and 4.
- 02.** It is submitted by the learned counsel for the petitioners that the petitioners were appointed as Safai Karamchari on casual basis vide order No.

MJ/Estt./S/478-1084 dated 20.10.2014 by the respondent No.2 and after completion of seven years of service on casual basis in Jammu Municipal Corporation (JMC), the regularization process of the petitioners was initiated vide orders dated 16.08.2022 and 21.10.2022 respectively, which was subject to the approval by the respondent No.1. That the services of the petitioners were regularized by virtue of JMC Order No. 54 of 2023 dated 17.01.2023 issued by the respondent No.3, subject to verification of original documents/antecedents by the competent authority.

The learned counsel for the petitioners submitted that although the similarly situated workers among the 585 Sanitation workers were regularized, yet the petitioners' regularization was withheld on the sole ground that no official record of their dates of birth exists. It is submitted by the learned counsel for the petitioners that in the past, in terms of JMC Order No. 164 of 2010 dated 05.06.2010, similar cases were dealt with by directing the respondent No.5 to constitute a Medical Board for determination of age, particularly in cases of illiterate employees who lacked educational or documentary proof regarding their date of birth. That in the instant case, the petitioners have already made a representation to respondent No.3, but as of date their grievances have not been redressed.

03. The learned counsel for the petitioners, in support of his submissions, has placed reliance on the judgment passed by a Coordinate Bench of this Court in **“Daniel and others vs UT of J&K & Ors” [in WP(C) No. 1486/2025, decided on 04.06.2025]** and seeks similar treatment for the petitioners in the present petition.
04. Heard the learned counsel for the petitioners and perused the record.

- 05.** 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 petitioners. The prayer made by the petitioners is limited and reasonable, as it only seeks the implementation of an existing statutory regulation. 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 guaranteed under Articles 14 and 16 of the Constitution of India.
- 06.** The Supreme Court in “**Randhir Singh vs 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.
- 07.** In the facts and circumstances of the case, this Court is of the opinion that it may meet the ends of justice in case the matter is disposed of at the very threshold stage by directing the respondent No.3 i.e Commissioner Jammu Municipal Corporation, Jammu to immediately communicate with the respondent No.5 i.e the Director Health Services, Jammu in connection with constitution of 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 purposes of determination of the age of the petitioners, so that upon needful determination , the said respondent No.3 as well as the respondent No.4

shall take appropriate steps with regard to regularization of the services of the petitioners in accordance with JMC Order No. 54 of 2023 dated 17.01.2023 and other applicable orders, within a further period of four weeks.

- 08.** It is, *accordingly, ordered*. However, it is made clear that nothing in this order shall preclude the respondent No.3 from carrying out verification of the petitioners' documents and antecedents, in accordance with law.

(Mohd. Yousuf Wani)
Judge

Jammu
27.10.2025
Vijay

