

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

**Case No: WP(C) No. 3565/2025
CM No.8131/2025**

*Reserved on: 17.12.2025
Pronounced on:30.12.2025
Uploaded on:30.12.2025*

*Whether the operative part or full
Judgment is pronounced : **Full***

UT of J&K and others.

...Petitioner(s)/Appellant(s)

Through: Mr. Raman Sharma, Sr. Advocate with
Ms. Saliqa Sheikh, Assisting counsel.

v/s

Karnail Singh and others

.... Respondent(s)

Through: Mr. Anuj Dewan Raina, Advocate

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL-J

1. By virtue of an order dated 04.04.2025 passed by the learned Central Administrative Tribunal, Jammu Bench, Jammu, Original Application No. 61/854/2020, titled '*Karnail Singh and others v. UT of Jammu & Kashmir and others*', preferred by the respondents-applicants was

allowed, and the petitioners were directed to regularize the services of the respondents-applicants, who had served as Daily Wagers/Daily Rated Workers for more than two decades continuously, in accordance with SRO 64 of 1994, after taking into account the observations made in the said order, and to issue appropriate orders within a period of eight weeks. The respondents-applicants were further held entitled to all consequential benefits, including wage arrears, from the date they became eligible for such regularization under SRO 64 of 1994 till the date of their actual regularization. Additionally, those respondents-applicants who had attained the age of superannuation were held eligible for pensionary benefits.

2. The petitioners have assailed the order dated 04.04.2025 on the grounds that the learned Tribunal failed to take note of the fact that the engagement of the applicants, namely Mohd. Farooq, Ingrez Singh and Nasir Hussain, was made under the Social Forestry Project and not against any regular cadre or sanctioned post. It is further contended that the applicants did not place on record any document to establish the continuity of engagement, legality of appointment, or possession of the requisite academic qualifications, in order to justify their claim for regularization. It is also urged that the learned Tribunal erred in law in allowing the regularization of applicant Nos. 6 and 8, namely *Nasir Hussain* and *Balwinder Singh*, who were initially engaged at the age of 16 and 17 years respectively, in violation of Rule 4(b) of SRO 64 of 1994. Besides, it is contended that the regularization of applicant Nos. 1, 4 and 5, namely, Karnail Singh, Gharu Ram and Subash Chand, who are illiterate, 5th and 7th class pass

respectively, is in clear violation of SRO 64 of 1994. Their regularization could not have been directed by the learned Tribunal in the absence of any specific finding that relaxation of the prescribed qualifications was duly considered and granted by the competent Administrative Department in terms of the proviso to Rule 4(c) of SRO 64 of 1994. The petitioners have also placed reliance upon the judgment of the Hon'ble Supreme Court of India in *Secretary, State of Karnataka v. Uma Devi and others* to assail the impugned order passed by the learned Tribunal.

3. Mr. Raman Sharma, learned Sr. Advocate appearing on behalf of the petitioners has submitted that the order impugned is not sustainable in the eyes of law.
4. Mr. Anuj Dewan Raina, learned counsel for the respondents has submitted that the learned Tribunal has rightly determined the controversy and this petition deserves to be dismissed.
5. Heard and perused the record.
6. Record reveals that respondents-applicants filed the Original Application seeking regularization of their services by asserting that they were engaged as Daily Wagers/Daily Rated Workers by the Rural Development Department on different dates and had been working continuously for several years. It was contended that, by virtue of such continuous engagement, they had acquired a right to be considered for regularization in terms of SRO 64 of 1994. It was further stated that their cases were placed before the High-Power Committee constituted by the Government, which approved the creation of 140 posts of Helpers for the purpose of regularization of an

equal number of Daily Rated Workers. The cases of the respondents-applicants were also recommended by the said Committee vide the minutes of its 13th meeting (constituted vide Government Order No.139-F of 2015 dated 19.08.2015) held on 04.04.2018 and 14th meeting (constituted vide Government Order No.139-F of 2015 dated 19.08.2015) held on 21.08.2018. It was urged on behalf of the respondents-applicants that although the Empowered Committee had cleared their cases for regularization in the year 2018, but no formal orders regularizing their services were issued till the filing of the Original Application. In support of their claim, the respondents-applicants placed reliance upon various directions issued by this Court in number of writ petitions.

7. The petitioners have opposed the petition filed before the learned Tribunal by filing their reply, wherein they have admitted the status of the respondents-applicants as Daily Wagers/Daily Rated Workers, but have objected to their claim for regularization by placing reliance upon Office Memorandum No. GAD-CORD/257/2022-09 dated 02.01.2023 contending that the Department of Law, Justice and Parliamentary Affairs, which was consulted in the matter of regularization, opined that the policy of regularization under various executive orders, statutory rules, and legislative enactments is violative of Articles 14, 15 and 16 of the Constitution of India, in view of the law laid down by the Hon'ble Supreme Court of India in the Constitution Bench judgment rendered in *Secretary, State of Karnataka v. Uma Devi*, **AIR 2006 SC 1806**.

8. The respondents, however, did not dispute the correctness of the averments made in paragraphs 4.6 to 4.8 of the Original Application, wherein a specific stand was taken by the respondents-applicants that their cases had been recommended for regularization vide the minutes of the 13th meeting of the Empowered Committee held on 04.04.2018 and 14th meeting of the Empowered Committee held on 21.08.2018.
9. Upon a perusal of the record, this Court finds that the only objection raised by the petitioners before the learned Tribunal with respect to the regularization of the services of the respondents was based upon Office Memorandum No. GAD-CORD/257/2022-09 dated 02.01.2023, wherein reliance was placed upon the judgment of the Hon'ble Supreme Court of India rendered in *Secretary, State of Karnataka v. Uma Devi*, **AIR 2006 SC 1806**. The petitioners disputed neither the status of the respondents as Daily Wagers/Daily Rated Workers nor their entitlement for regularization in terms of SRO 64 of 1994. It may be noted that the grounds now sought to be urged by the petitioners before this Court were never raised before the learned Tribunal.
10. The objection raised by the petitioners for regularization of services of the applicants stands answered by the Hon'ble Supreme Court of India in its recent judgment in **Jaggo v. Union of India and others**, reported as **2024 INSC 1034**, wherein, in paragraphs 26 and 27, the Hon'ble Supreme Court has held as under:

“26. While the judgment in **Uma Devi** (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments,

who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in **Uma Devi** (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

11. The petitioners, as such, cannot deny the claim of the respondents for regularization of their services by placing reliance upon Uma Devi's case.

12. The petitioners are now seeking to contest the respondents' claim for regularization by questioning their age/educational qualifications. The petitioners being the employer are vested with the requisite authority to relax the eligibility conditions of Daily Wagers/Daily Rated Workers, wherever is necessary for the purpose of regularization, as expressly provided under Rule 4 of SRO 64 of 1994 dated 24.03.1994. Otherwise also, in ground (g) of the instant writ petition, the petitioners themselves have asserted that the proviso appended to Rule 4(C) of SRO 64 of 1994 stipulates that, in the case of eligible Daily Rated Workers proposed to be regularized against Class-IV posts, relaxation in qualification and/or age is required to be considered on merits by the concerned Administrative Department. This clearly

demonstrates that the petitioners are fully aware of the statutory powers vested in them to grant such relaxation in qualification and/or age, subject to consideration on merits by the competent authority.

13. We have examined the order passed by the learned Tribunal and find no reason to extend any indulgence, particularly in view of the fact that the petitioners do not dispute the entitlement of the respondents-applicants for regularization in terms of SRO 64 of 1994, but seek to oppose the same solely on the basis of the judgment of the Hon'ble Supreme Court of India in case titled *Secretary, State of Karnataka Vs. Uma Devi*.

14. For the foregoing reasons, we are not inclined to entertain the present petition and, accordingly, the same is **dismissed** along with connected CM(s), if any. The petitioners are directed to pass appropriate orders regarding the regularization of the respondents-applicants, strictly in consonance with the observations made in this order and in accordance with SRO 64 of 1994. The respondents-applicants shall be entitled to all consequential benefits upon such regularization, which shall, however, accrue from the date they became eligible for regularization.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
30.12.2025
Madan Verma-Secy

Whether order is speaking? **Yes.**
Whether order is reportable? **No.**