

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

SWP No. 1148/2013

Prince Dutta, aged 32 years
S/O Sh. Behari Lal Dutta
R/O Ward No.7, Poonch
Tehsil Haveli,
District Poonch

..... Appellant/Petitioner(s)

Through: Mr. R. P. Sharma, Advocate.

Vs

1. State of J&K through
Commissioner/Secretary to
Government, Tourism and Culture
Department, Civil Secretariat,
Srinagar.
2. The Commissioner/Secretary to GAD,
State of J&K, Civil Secretariat,
Srinagar.
3. Chief Executive Officer,
Poonch Development Authority,
Poonch.

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mr. Raman Sharma, AAG

SWP No.1304/2013

Nelofar Sheikh, age 23 years
D/O Sh. Jamal Din,
R/O Village Samote, Tehsil Surankote
District Poonch

..... Appellant/Petitioner(s)

Through: Mr. F A Natnoo, Advocate

Vs

1. State of J&K through its Chief
Secretary, Govt. of J&K, Civil
Secretariat, Srinagar.
2. The Commissioner-cum-Secretary to
Govt., Tourism and Culture
Department, J&K Government, Civil
Secretariat, Srinagar/Jammu.
3. Chief Executive Officer,
Poonch Development Authority,
Poonch.
4. The Poonch Development Authority
through its Chief Executive Officer,
Poonch

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mr. Raman Sharma, AAG.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER

02.07.2025

1. As prayed for and with consensus of the learned counsel for the parties, both these petitions are taken up for final consideration at this admission stage. As both the writ petitions involve similar factual background, they are proposed to be decided by this common order.

2. Petitioner in **SWP No. 1148/2013** has prayed for direction to the respondents to treat him as an employee and accord the benefit of the Jammu and Kashmir Civil Services (Special Provisions) Act, 2010 to the extent of regularization on adhoc or contractual or consolidated appointee as provided in Section 5 of the Act with all consequential benefits; to allow the petitioner to continue till his case is considered for regularization of his service as per the Policy framed under the J&K CS Act, 2010 made for other employees appointed on ad hoc/contractual/consolidated basis; and to pay the salary to the petitioner and held him entitled to leave and other benefits like other government employees. The petitioner has asserted that he was engaged as 'Junior Assistant' against a vacancy on consolidated basis in the respondent-Poonch Development Authority of Tourism Department, vide order dated 10.05.2010, till the post was filled up by the Recruitment Agency/Department; and that he is entitled to be regularized against the post held by him in terms of the J&K Civil Services (Special Provisions) Act, 2010.

2.1. Petitioner in **SWP No. 1304/2013** has prayed direction to the respondents to allow the petitioner to discharge her duties as Junior Steno in

terms of her order/engagement dated 07.04.2011 issued by the Chief Executive Officer, Poonch Development Authority, Poonch; to direct the respondents 3 and 4 to regularize the services of the petitioner against the post of 'Junior Steno' held by the petitioner since April 2011 and till such regularization is allowed, the petitioner be paid her monthly salary/allowance as admissible under rules. The petitioner in this petition has asserted that she was engaged as Junior Steno against a vacant post on consolidated/need basis till the post is filled by the recruitment agency/department.

3. Pursuant to notice, the official respondents have filed their objections to both the petitions, in which the respondents have taken, inter alia, a stand that the petitioner-Prince Dutta (in SWP No. 1148/2013) has been working against the post of 'Junior Assistant' and the petitioner- Nelofar Sheikh (in SWP No. 1304/2013) has been working against the post of 'Junior Steno' and have not been disengaged and their engagement shall continue till the posts are filled up by the Recruitment Agency/Department whichever is earlier.

4. Learned counsel for the petitioners submit that in view of the clear stand taken by the respondents that the petitioners shall not be disturbed from their present positions till regular selection is made against the posts held by them, they have instructions to seek disposal of their cases at this stage, provided the respondents consider the other pleas raised by the petitioners for their regularization against the posts held by them as they are entitled to the same under the J&K Civil Services (Special Provisions) Act, 2010 governing the regularization of staff engaged on ad hoc/contractual/consolidated basis.

5. Learned counsel for the official respondents has not taken any serious objection to the plea raised by the learned counsel for the petitioners with regard to the disposal of the writ petitions at this stage.
6. With the consensus of the learned counsel for the parties, the petitions are taken up for final consideration at this admission stage.
7. Since the respondents have in clear terms admitted that the petitioners have been working against the post of Junior Assistant and Junior Steno and the respondents want to continue their services on contractual basis until regular selection is made, both the petitions are disposed of, at this stage, with the direction to the respondents to release the duly earned wages in favour of the petitioners on a monthly basis and also consider their representations, if any made, seeking regularization, and in case adverse orders are passed, the petitioners shall be at liberty to avail the available legal remedy, if so advised.
8. Both the petitions are accordingly disposed of along with connected application(s).

(MA Chowdhary)
Judge

Jammu
02.07.2025
Raj Kumar