

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

WP(C) 1236/2021

ABDUL RASHID BHAT

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

Through: Mr. Bilal A Malla, Advocate

Vs.

UT of JK and others

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER

05.05.2025

There is no representation on behalf of respondents. Despite last and final opportunity granted, they have failed to file reply.

Respondents vide order dated 02.07.2021, were directed to consider the case of petitioner for uploading the information in pursuance of Government Order No. 126-F of 2016 dated 28.04.2016, for Aadhar Based Biometric Identification and Skill Profiling of Casual Labourers and other Workers (CSWLs) and were also directed to release the legitimately earned salary of the petitioner.

Petitioner's case is that he is working as Casual Labourer in the respondent department and engaged, as such, in the year 2009. He is presently working in the Sector Kanelwan, Srigufwara under the jurisdiction of Sub-Division Bijbehara, PDD, who has issued certificate in his favour wherein it is shown that he is working as Casual Labourer.

It is submitted by the petitioner that vide J&K Cabinet Decision No. 18/02/2016 dated 27/04/2016, the Government ordered constitution of a committee for making Aadhar Based Biometric Identification and Skill Profiling of various categories like Daily Rated Workers, Work Charged Employees, Casual Labourers, Seasonal Labourers, Part Time Workers, CIC

Operators of Rural Development Department, Prism-men/Settlement Assistants of Revenue Department, NYCs etc. Accordingly, the Government Order No.126-F of 2016 dated 28.04.2016 was issued and a committee was constituted for Aadhar Based Biometric Identification and Skill Profiling of the said categories.

Respondent no.2 issued Office Memorandum No.A/106(94)-1-78 dated 05.09.2016, wherein Director (Codes) Finance Department requested the Administrative Secretaries of all Departments to furnish the relevant information as per the format in the shape of hard as well as soft copy so that Aadhar Based Biometric Identification and Skill Profiling of Casual, Seasonal and other Workers (CSLWs) was undertaken. It is submitted by the petitioner that respondent no.6 under whose jurisdiction he is working, submitted a statement showing the enlisted need base workers, vide No. SDB/1952 dated 16.11.2015, after examining the available records, to the office of respondent no.5 and the petitioner was shown in the enlisted need base workers at S. No.64 and his date of engagement was shown as April 2014. It is further submitted that respondents framed the list in order to comply the Cabinet Decision and the orders issued by the Department of Finance for making Aadhar Based Biometric Identification and Skill Profiling of Casual, Seasonal and other Workers (CSWLs).

Petitioner along with two others moved a representation to the respondents bringing to their notice that in the statement/list forwarded by them for making Aadhar Based Biometric Identification and Skill Profiling of CSWLs, their date of engagement has been wrongly shown as 2014 instead of 2009, which needed to be corrected. The said representation was forwarded by respondent no.6 to respondent no.5 vide No. 3113/SDB dated 02.03.2016.

It is submitted by petitioner that Government of J&K vide SRO-520 dated 21.12.2017, notified J&K Casual and other Workers Regular Engagement Rules, 2017, for making regular engagement of the Casual, Seasonal and other Workers who have been engaged through an appointment order or otherwise on daily rated basis for rendering casual/seasonal services in a department and under Rule 2(b) "Aadhar Based Biometric Identification and Skill Profiling of CSLWs means their online registration/uploading of information in pursuance to Govt. Order No. 126-F of 2016 dated

28.04.2016”. In terms of the said SRO, a right has accrued to the petitioner for his regular engagement and once the regular engagement of the petitioner is approved, he will be designated as Govt. Services Assistant. It is further submitted that after the promulgation of SRO 520 of 2017 and uploading of the information of Aadhar Based Biometric Identification and Skill Profiling of CSWLs done by the department, the petitioner’s wages were stopped and hindrance were created in discharge of his duty as Casual labour on the ground that his Aadhar Based Biometric Identification and Skill Profiling has not been done for non-availability of his Aadhar Card. The petitioner approached the respondent authorities by making innumerable representations and requests and he also approached each and every authority whom he presumed that they would redress his grievance, with representations, but those representations have not yielded any result.

It is being also stated by petitioner that respondent no.5, vide communication No. EDB/4289-92 dated 24.10.2017 informed the respondent no.3 that applicants, including the present petitioner’s names, were excluded from the list finalized, as such, on the basis of the copies of record of respondent no.6 along with the information and documents furnished by the applicants including the petitioner, the names of the need base casual Labourers forwarded for uploading the same for Aadhar Based Biometric Identification and Skill Profiling and directions were also sought from the respondent no.4. The petitioner’s name was figuring at S.No.3 in the communication. It is submitted that respondent no.3 vide communication No. CE/M&RE/48567-68/DPC dated 29.12.2017 having reference to letter No. SE/EM&RE/As 5348-49 dated 30.10.2017 ordered respondent no.4 to direct the concerned Executive Engineer (respondent No.5) to upload the names of these Need Base Workers as and when the website will open and take appropriate action accordingly.

It is alleged by the petitioner that despite numerous communications between the respondents that Aadhar Based Biometric Information of the petitioner as well other similarly situated candidates will be uploaded as and when the website is open for uploading the information, the respondents have stopped wages of the petitioner from the year 2017 till date and are also creating hindrance in discharge of his casual duties.

Learned counsel for the petitioner after arguing for a while submits that petitioner would be satisfied, at this stage, if this writ petition is disposed of by directing respondents to consider the petitioner's writ petition by treating it as representation and after giving hearing to him, decide the same in accordance with the provisions of law.

In view of submissions made by learned counsel for petitioner, this petition shall stand disposed of. Respondents shall treat the petitioner's writ petition as a representation and consider it after hearing him and pass a reasoned order thereon. This exercise shall be concluded within a period of two months from the date copy of the writ petition along with the annexures attached thereto are served upon the respondents.

Disposed of as above along with connected CM(s).

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
05.05.2025
"Imtiyaz"