

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

WP(C) 2607/2025
CM(6892/2025)

Date of Pronouncement: 04.11.2025
Uploaded on: 06.11.2025.

Muneer Ahmed Mir
S/O: Ghulam Mohammad Mir
R/O: Munawar Abad, Srinagar

...Petitioner(s)

Through: Mr. Z.A. Qureshi, Sr. Advocate with
Ms. Raziya Amin, Advocate

Vs.

1. Union Territory of J&K through
Secretary to Government Skill
Development Department Civil
Secretariat, Srinagar/Jammu.

2. Director, Skill Development
Department, Srinagar/Jammu.

...Respondent(s)

Through: Ms. Nowbahar Khan, Assisting Counsel vice
Mr. Rekha Wangnoo, GA

CORAM:

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

JUDGMENT (ORAL)

1. Impugned in this petition filed by the petitioner under Article 226 of the Constitution of India is an order and judgment dated 2nd May, 2025 passed by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in TA No. 2107/2021 titled "**Muneer Ahmad Mir Vs. State of**

Jammu and Kashmir and Another” whereby the Tribunal has dismissed the TA filed by the petitioner seeking his regularization w.e.f. 15th April, 1993/24th August, 1993.

2. Briefly stated, the facts leading to the filing of this petition are that vide Order No. 266 of 1990 dated 10th July, 1990, the petitioner was appointed as Demonstrator on a consolidated pay of Rs. 1620/- per month plus usual allowances in the Kashmir Government Polytechnic, Srinagar. The appointment was on adhoc basis for a period of three months or till the post was filled up through regular process of selection to be undertaken by the State Subordinate Recruitment Board, whichever was earlier.

3. Subsequently, vide Government Order No. 54-Edu (Tech) of 1993 dated 24th August, 1993, the petitioner was adjusted as Lecturer (Mathematics) on a consolidated pay of Rs. 3500/- per month for a period of sixty days or till the closure of the academic session, or till a regular candidate would join upon appointment, whichever was earlier.

4. Apprehending his ouster, the petitioner approached this Court by way of SWP No. 1929/1993 and continued on the post pursuant to the interim order passed therein. With a view to seek regularization, the petitioner filed another petition i.e., SWP No. 1160/1995. Both writ petitions were decided by the learned Single Judge of this Court by way of a common judgment dated 21.10.1999.

5. The respondents herein were directed to regularize the services of the petitioner as Lecturer (Mathematics) in Kashmir Government Polytechnic, Srinagar, on the analogy of one Mrs. Yasmeen Wahid Naqashbandi. The judgment of the learned Single Judge dated 21.10.1999 was assailed by the respondents in LPA No. 256/1999 which was dismissed by a Division Bench of this Court vide order dated 31.10.2002.

6. A review petition filed by the State also came to be dismissed by the Division Bench vide order dated 2nd September, 2003. Upon dismissal of the review petition, the petitioner filed a contempt petition before the learned Single Judge alleging non-compliance of the judgment passed by the Writ Court dated 21st October, 1999.

7. Before the Contempt Court, the respondents produced Government Order No. 119 Edu (Tech) of 2005 dated 5th September, 2005, whereby the petitioner was appointed as Lecturer Grade-I (Mathematics) w.e.f. 1st April, 2000. On production of the aforesaid Government Order regularizing the services of the petitioner w.e.f. 1st April, 2000, the learned Single Judge vide its order dated 15th February, 2006 closed the proceedings in the Contempt Petition No. 87/2006.

8. Feeling aggrieved by the closure of the contempt petition, the petitioner filed Review Petition No. 07/2006 seeking recall of the order passed in the contempt petition dated 15th February, 2006. The learned Single Judge allowed the review petition and directed the respondents to consider

the case of the petitioner for grant of benefit of regularization either from the date on which Mst. Yasmeen Wahid Naqashbandi was granted the similar relief or at least from the date of judgment dated 21st October, 1999 passed in SWP Nos. 1929/1993 and 1160/1995.

9. In compliance with the aforesaid judgment, the respondents herein issued Government Order No. 91-Edu (Tech) of 2012 dated 24th April, 2012 rejecting the claim of the petitioner for retrospective regularization in terms of the order passed by the learned Single Judge of this Court in the review petition. It is this order of the Government which was called in question by the petitioner in SWP No. 1095/2012 before this Court, which, on transfer to the Tribunal, came to be registered as TA No. 062/02107/2021. Vide order and judgment impugned in the petition, the aforesaid writ petition registered as TA before the Tribunal has been dismissed. This is how the petitioner is before us in these proceedings.

10. Having heard learned counsel for the petitioner and perused the material on record, we are of the considered opinion that the petitioner is entitled to regularization of his services as Lecturer (Mathematics) in Kashmir Government Polytechnic, Srinagar w.e.f 21st October, 1999 i.e., the date when the judgment in SWP Nos. 1929/1993 and 1160/1995 was passed. This is so because the petitioner has been held entitled to the regularization w.e.f. 21st October, 1999 in terms of order dated 09.11.2001 passed by the learned Single Judge

of this Court in Review Petition No. 07/2006, which order has attained finality having not been put to challenge by the respondents before any higher forum.

11. The plea of the respondents that the petitioner was given regular appointment w.e.f. 1st April, 2000, owing to the availability of a vacant post on the said date cannot be accepted in view of the fact that the petitioner, having been appointed in the year 1993, had been continuously serving against a substantive vacant post of Lecturer (Mathematics). This aspect of the matter has not been considered by the Tribunal in the correct perspective.

12. For the foregoing reasons, we allow this petition and set aside the impugned order passed by the Tribunal. The petitioner is held entitled to the appointment of Lecturer (Mathematics) in Kashmir Government Polytechnic, Srinagar w.e.f. 21st October, 1999 i.e., the date on which the judgment in SWP Nos. 1929/1993 and 1160/1995 holding the petitioner entitled to regularization was passed, along with all consequential benefits.

13. **Disposed of.**

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

04.11.2025

"Mir Arif"