

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

Case No. WP(C) No.313/2026
Caveat No.758/2026

Date of Pronouncement:-16.02.2026
Uploaded on:- 18.02.2026

Union Territory of J&K and others

.....Applicant(s)/Petitioner(s)

Through :- Mrs. Monika Kohli, Sr. AAG with
Ms. Priyanka Bhatt, Assisting Counsel

v/s

Mohd. Akbar Batt and others

.....Respondent(s)

Through :- Mr. Sheikh Nazeeb, Advocate

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

ORDER(ORAL)

Per:-Sanjeev Kumar J

01. Impugned in this petition, filed by the Union Territory of Jammu and Kashmir and four others under Article 226 of Constitution of India is an order and judgment dated 07.11.2024 [*“the impugned judgment”*] passed by the Central Administrative Tribunal, Jammu Bench, Jammu [*“the Tribunal”*] in T.A. No.61/5629/2021 titled *‘Mohd. Akram Batt and Ors. Vs. State of J&K and Ors.’* whereby the Tribunal has allowed the petition of the respondents and directed the petitioners herein to accord consideration to the regularization of the respondents having rendered more than seven years continuous service as Daily Wagers, in terms of SRO 64 of 1994 within a period of eight weeks. The respondents have also been held entitled to all consequential benefits including arrears of salary with effect from the date they became eligible for such

regularization. With regard to the respondents who had retired, a direction has been issued to release in their favour the pensionary benefits.

02. The impugned judgment is challenged by the petitioners primarily on the ground that the Tribunal has not appreciated that the respondents were engaged as part time Community Participation (CP) Workers on consolidated basis and, therefore, were not entitled to regularization in terms of SRO 64 of 1994.

03. Having considered the rival contentions, the Tribunal came to the conclusion that there was enough documentary evidence on record to show that all the respondents were appointed as Daily Wagers prior to the issuance of SRO 64 of 1994 and, therefore, became entitled to regularization on completion of seven years continuous service. The Tribunal has also taken note of the fact that the similarly circumstanced daily wagers, who were working with the respondents, came to be regularized by the petitioners in terms of SRO 64 of 1994 vide Govt. Order No.138-PW(Hyd.) of 2006 dated 17.03.2006.

04. Having heard learned counsel for the parties and perused the material on record, we are convinced that there is enough documentary evidence on record, in particular, the communications of the Executive Engineer, Superintending Engineer and the Chief Engineer concerned, which referred the respondents as daily wagers having acquired the eligibility to be regularized under SRO 64 of 1994. The plea of the petitioners that the respondents were engaged as part time Community Participation (CP) Workers is not substantiated by any document placed on record by the petitioners. Mere oral assertion, more particularly, when it is contrary to the documentary evidence on record, cannot be accepted as a gospel truth.

05. Indisputably, the respondents have been performing their duties as Daily Rated Workers for the last more than seven years having been engaged prior to 31.01.1994 and have, thus, acquired a right of consideration to be regularized as Class IV employees in the department in terms of SRO 64 of 1994. Somewhat, similar argument that the workers, who were styled as Casual Workers were not entitled to the benefit of regularization envisaged under SRO 64 of 1994 was subject matter of consideration of this Court in '*State of J&K and Ors. Vs. Mushtaq Ahmed Sohail and Anr.*' 2013 SLJ 74, wherein it was categorically held that a person, who has been a whole time worker and has been rendering services for decades together, cannot be termed as casual labourer so as to deny him the benefit of regularization envisaged under SRO 64 of 1994.

06. This Court has time and again deprecated and spurned the stand of the petitioners that the workers serving the State and its departments for decades together were the casual workers, not entitled to the benefit of regularization under SRO 64 of 1994. It has been made known to the petitioners that a person, who is a whole time worker and has been in the continuous service of the State for the last more than seven years cannot, by any stretch of reasoning, be called a casual worker. A 'casual worker' is one, who is engaged to perform the duties, which are casual and not perennial in nature. Similarly, 'seasonal labourer' is one, who is engaged for a particular season for discharging a particular nature of duties and is not engaged for the entire month and entire year.

07. We are constrained to observe that despite there being a number of judgments clarifying the aforesaid issue, the petitioners are still taking an

obdurate stand in the petitions to deny the genuine claim of the daily wagers, who have earned a right of regularization under SRO 64 of 1994.

08. From a reading of the judgment, we find that though the consideration order bearing No. PHEJ/CE/24 dated 11.05.2010 issued by the Chief Engineer (Jal Shakti) was specifically challenged, but the same has not been inadvertently quashed by the Tribunal, even though the intention of the Tribunal in directing a fresh consideration of the case of the respondent was clearly manifested.

09. Be that as it may, we, in exercise of extraordinary writ jurisdiction, quash the Order No. PJEH/GE/24 of 2010 dated 11.05.2010 and direct the petitioners to consider the cases of the respondents for regularization, strictly as per directions issued by the Tribunal in terms of the judgment impugned.

10. Subject to the aforesaid observations and directions, this petition is found devoid of any merit and is, accordingly, *dismissed* along with all connected application(s).

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
16.02.2026
Shammi

Whether the order is speaking?	Yes/No
Whether the order is reportable?	Yes/No