

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

WP (C) No. 410/2026

Date of pronouncement: 23.02.2026.

Date of uploading: 24.02.2026.

**1. UT of Jammu and Kashmir, through its
Commissioner Secretary to Govt. Forest,
Environment and Ecology Department,
Civil Secretariat, UT of J&K at Jammu.**

2. Director Social Forestry, Jammu.

**3. Regional Director, Department of Social
Forestry, Jammu.**

**4. Divisional Forest Officer, Social Forestry
Division Ramban**

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

Through :- Mr. Vishal Bharti, Dy. AG

v/s

**Sajjad Ahmed Wani, Age: 49 years
S/o Late Ghulam Hassan Wani
R/o Village Bankoot
Tehsil Banihal District Ramban**

.....Respondent(s)

Through :- Mr. R.K.S. Thakur, Advocate

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

ORDER(ORAL)

1. Impugned in this petition, filed by the Union Territory of Jammu and Kashmir along with three others filed under Article 226 of the Constitution of India, is an order and judgment dated 27.11.2024 passed by the Central Administrative Tribunal Jammu Bench, Jammu ["**the Tribunal**"] in TA No. 3212/2020 titled "*Sajjad Ahmed Wani vs. UT of J & K and Others*", whereby the Tribunal has allowed the TA of the respondent and held SF Order No. 64/2019 dated 07.09.2019 not sustainable in law and has directed the petitioners herein to

regularize services of the respondent in terms of SRO 64 of 1994 w.e.f. 01.04.1998 with all consequential benefits.

2. Impugned judgment is assailed by the petitioners, primarily, on the ground that the Tribunal has failed to appreciate that the petitioners in the Social Forestry department have, all along, recommended the case of the respondent for regularization in terms of SRO 64 of 1994 and that the order of regularization in favour of the respondent could not be passed because the same was not cleared by the Empowered Committee. There is, however, no dispute raised by the petitioners either on facts or on law which have governed the disposal of the TA by the Tribunal.
3. Before we appreciate the rival contention of the parties, we deem it necessary to notice few facts which are not in dispute. The respondent came to be engaged as “Casual Worker” on 01.10.1990 and has been performing his duties ever since. It is true that initially in the Muster rolls the respondent was referred to as ‘casual labourer’, but in the subsequent Muster rolls, he came to be referred to as ‘daily rated worker’.
4. Be that as it may, there is no dispute with regard to the fact that since his first engagement, i.e., 01.10.1990, the respondent has been continuously performing his duties and receiving the wages as per the rates fixed by the Government under Minimum Wages Act. He completed seven years’ continuous service in October 1997 and, therefore, became entitled to regularization w.e.f. 01.04.1998, i.e., in the financial year next after the completion of seven years’ continuous service. This is so provided under SRO 64 of 1994.

5. The case of the respondent was recommended by the Department of Social Forestry from time to time for regularization, but the same was not considered by the Empowered Committee for one reason or the other.
6. Feeling aggrieved, the respondent filed SWP No. 03/2007 before this Court which was disposed of vide order dated 02.03.2009 with a direction to the petitioners herein to take a final decision in respect of the claim of the respondent for regularization within a period of one month.
7. In compliance with the aforesaid direction and under the pains of committing the contempt, the case of the respondent for regularization was considered by the Department of Social Forestry and the same was turned down vide SF Order No. 64 of 2019 dated 07.09.2019, on the ground that the same was devoid of merit. The aforesaid order of the Department of Social Forestry was assailed by the respondent by way of WP (C) No. 4326/2019 which, on transfer to the Tribunal after the J&K Reorganization Act, 2019, came to be registered as TA No. 3212/2020. It is this petition/TA which has been allowed by the Tribunal in terms of the judgment impugned in this petition.
8. From reading of the impugned judgment, it clearly transpires that the Tribunal has taken note of the fair stand taken by the Department of Social Forestry that the respondent was eligible to be regularized under SRO 64 of 1994 for having completed more than seven years of service as on 01.10.1997.
9. The Tribunal also took note of the recommendations made by the Director Social Forestry, Jammu clarifying the position that the daily

rated workers in the Department during the relevant period were being engaged without any formal orders of appointment/engagement and also bringing to the notice to the Administrative Department the requisite muster sheets and the salary statement clearly indicated that the respondent had been performing his duties as daily rated worker regularly and continuously. The Tribunal did not find any merit in the stand of the petitioners taken in their objections and, accordingly, allowed the petition.

10. We have gone through the judgment impugned and have considered the rival contentions of the learned counsel appearing on both the sides. We do not find any illegality or infirmity in the impugned judgment passed by the Tribunal.. The respondent having been engaged on 01.10.1990 and having performed continuous service of seven years as 'daily rated worker' acquired a right of regularization in terms of SRO 64 of 1994 w.e.f the financial year next after the completion of seven years.
11. In the instant case, he completed seven years' continuous service on 01.10.1997 and, therefore, became entitled to regularization w.e.f. 01.04.1998. The plea of the petitioners that since the first engagement of the respondent was as a 'casual labourer' and that too without any formal order of appointment and, therefore, was ineligible for regularization is without any substance and cannot be accepted, more particularly, when it is a clear stand of the Department of Social Forestry itself that though the nomenclature given to the engagement of the respondent was 'casual worker' yet he all along performed the

duties of a 'daily rated worker' and was paid the wages as per the rates fixed by the Government under Minimum Wages Act.

12. That apart, this Court has on umpteen occasions held and clarified that a person who performs whole time duties, may be of temporary nature, and receives the wages fixed by the Government under the Minimum Wages Act, cannot be termed as a casual worker that too when he has been continuously working for decades together. We do not wish to reiterate that position. The Tribunal has very correctly captured the aforesaid legal position and turned down the similar contentions raised by the petitioners before the Tribunal.
13. Aside, we also find that the case of the respondent has been rejected on the ground that the 'casual labourers' who have been engaged after the imposition of ban cannot claim their regularization on the strength of the orders of the Court.
14. This ground of rejection indicated in the order of consideration is totally untenable and preposterous to say the least.
15. In the instant case, respondent was engaged in October 1990 whereas the ban for fresh engagements was imposed only in the year 1994 in terms of SRO 64 of 1994. It seems that the rejection order was passed by the petitioners after feeling annoyed by the respondent's conduct of going to the Court and filing a contempt petition against them for non-compliance of the judgment passed by the Tribunal.
16. For the reasons which we have given above, coupled with the reasons given in detail by the Tribunal in the impugned order, we find no merit in this petition and the same is, accordingly dismissed.

17. The petitioners shall do well to comply with the judgment passed by the Tribunal within a period of two weeks. We, further clarify that in case there is any reluctance on the part of the competent authority to clear the case of the respondent for regularization, the competent authority in the Department of Social Forestry shall pass the appropriate order of regularization subject of course to the fulfillment of formalities under SRO 64 without waiting for such clearance.
18. Let the entire exercise as we have directed above, be done within a period of four weeks and appropriate order be issued.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
23.02.2026
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