

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

(Through Virtual Mode)

WP(C) 697/2026

CM(1601/2026)

Caveat 357/2026

**Union Territory of J&K and Ors of J&K
Th. Commissioner Development
Department and Anr.**

...Petitioner(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate

Vs.

Ghulam Mohd and Ors.

...Respondent(s)

Through: Mr. F.A. Natnoo, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

23.03.2026

1. Impugned in this petition filed by the Union Territory of J&K and two others is an order and judgment dated 31.07.2025 passed by the Central Administrative Tribunal, Jammu Bench, ["the Tribunal"] in the case titled "***Ghulam Mohd Vs. State of J&K through its Commissioner/Secretary, Rural Development Department, Civil Secretariat, Srinagar/Jammu and Ors***", whereby the Tribunal has allowed the OA of the respondent No. 1 and has directed the petitioners herein to regularize the services of respondent No. 1 with effect from the date the applicant has completed seven years of uninterrupted services i.e., from 1st

2. Briefly stated, the facts leading to the filing of this petition are that the respondent No. 1 was initially engaged as a casual worker in the year 1990, more particularly on 17th November, 1990 in the Rural Development Department and was allowed to continue as such continuously and without any interruption for a period of more than seven years.

3. His claim for regularization under SRO 64 of 1994 was not considered and, therefore, respondent No. 1 approached this Court by way of SWP No. 1806/2015 which was decided by a Bench of this Court vide order dated 12th June, 2015 calling upon the petitioners herein to consider the case of respondent No. 1 for regularization in the light of the averments made in the petition supported by the documents within a period of six weeks.

4. In compliance with the aforesaid order of this Court, the petitioners considered the case of the respondent No. 1 and turned it down vide Government Order No. 160-RD & PR of 2017 dated 24th April, 2017. The case of the respondent No. 1 was turned down primarily on the ground that the respondent No. 1 was initially engaged as a casual labourer and was converted into a daily rated worker only after 31st January, 1994 i.e., after the ban was imposed by the Government.

5. Feeling aggrieved by the consideration order dated 24th April, 2017 supra the respondent No. 1 filed a writ petition before this Court which on transfer to the Tribunal was registered as TA No. 8653/2020. In the writ petition, the

1994 on the ground that he had completed more than seven years of continuous uninterrupted service and, therefore, was eligible for the benefit of regularization under SRO 64 of 1994.

6. The petition was contested by the petitioners herein on the same grounds which were reflected by them in the consideration order impugned before the Tribunal.

7. The Tribunal after considering the rival contentions of the parties and having regard to the documents on record, came to the conclusion that the respondent, having been in the service of the petitioners continuously for a period of more than seven years was entitled to the benefit of regularization envisaged under SRO 64 of 1994, the nomenclature given to the respondent notwithstanding.

8. The Tribunal concluded that by giving the nomenclature to the engagement of the respondent No. 1 as casual labour cannot deprive him of the benefit of regularization, more particularly when respondent No. 1 has been working continuously as a full time worker and has been paid the minimum wages under the Minimum Wages Act.

9. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the issue raised in this petition is squarely covered by numerous judgments rendered by this Court in which this Court has time and again held that the use of different nomenclature for persons engaged by various departments as daily rated workers. We have said it on a number of occasions that workers who have been working for

the respondents for decades cannot be treated as casual labour only with a view to take them out of the provisions of SRO 64 of 1994.

10. It is established that respondent No. 1 was working with the petitioners since 17th November, 1990 and was being paid wages as per the minimum wages fixed under the Minimum Wages Act and had performed his duties as such for decades together. It would not be appropriate to describe him as a casual labourer different from daily rated workers so as to deny him the benefit of SRO 64 of 1994.

11. The Tribunal has considered the matter in right perspective and has rightly passed the judgment in favour of the respondent No. 1. We, however, find that the respondent No. 1 has completed seven years of continuous/uninterrupted service on 17th November, 1997 and, therefore, he would be entitled to regularization in the next financial year i.e., w.e.f. 1st April, 1998 subject to fulfillment of other eligibility criteria.

12. With the aforesaid observations, the judgment passed by the Tribunal is upheld and the writ petition is disposed of accordingly.

13. Disposed of.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

23.03.2026

"Mir Arif"