

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1199/2026

Reserved on: 12.05.2026

Pronounced on: 30.05.2026

Uploaded on: 30.05.2026

Whether the operative part or
full judgment is pronounced

1. Union Territory of J&K through
Commissioner/Secretary, Forest Department,
Govt. of J&K, Civil Sectt., Jammu/Srinagar.
2. Principal, Chief Conservator of Forests,
Forest Complex, Dogra Hall, Jammu.
3. Chief Conservator of Forests, Jammu Region.
4. Conservator of Forests,
East Circle, Forest Complex, Dogra Hall, Jammu.
5. Divisional Forest Officer, Eco Task Force, Jammu.

..... Petitioner(s)

Through Mr. Vishal Bharti, Dy. AG.

:-

V/s

1. Vijay Kumar Age 36 years
S/o Sh. Prabhu Dayal
R/o Sandhori Tehsil and District Jammu.
2. Ghulam Qadir Age 44 years
S/o Sh. Quatub Din
R/o Sagoon Tehsil and District Jammu.
3. Manoj Singh Age 40 years
S/o Sansar Singh
R/o Surinsar Tehsil and District Jammu.
4. Kuldeep Singh Age 40 years
S/o Rattan Singh
R/o Dagheed Tehsil and District Samba.
5. Rashpal Singh Age 38 years
S/o Sh. Gian Singh
R/o Dagheed Tehsil and District Samba.
6. Ram Pal Age 40 years
S/o Maju Ram

- R/o Village Khanna Chhargal (Dhoon)
Tehsil and District Jammu.
7. Ashraf Hussain Age 27 years
S/o Fazal Din
R/o Village Khanna Chhargal (Sandhi)
Tehsil and District Jammu.
8. Sher Mohd. Age 39 years
S/o Sharief Mohd.
R/o Pacholi Tehsil and District Samba.
9. Farman Ali Age 36 years
S/o Navab Din
R/o Pacholi Tehsil and District Samba.
10. Vijay Kumar Age 35 years
S/o Sh. Lal Chand
R/o Pacholi Tehsil and District Samba.
11. Prem Singh Age 45 years
S/o Sh. Mast Ram
R/o Pacholi Tehsil and District Samba.
12. Gurdev Singh Age 27 years
S/o Kaka Singh
R/o Dagair Tehsil and District Jammu.
13. Rasal Puri Age 42 years
S/o Sh. Tirath Ram
R/o Morh Garh Tehsil Samba.
14. Raguvir Singh Age 27 years
S/o Nehal Singh
R/o Morha Akher, Khara Madana,
Tehsil and District Samba.
15. Farman Ali Age 27 years
S/o Gh. Hussain
R/o Barhi Khad Tehsil and District Samba.
16. Showkat Ali Age 35 years
S/o Rehmat Ali
R/o Pacholi Tehsil and District Samba.
- Respondent(s)

Through Mr. C.S Azad, Advocate for R-1,
6, 7, 9, 10 & 12.

**CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**

JUDGMENT

Per: Shahzad Azeem, J

1. With the consensus of learned counsels for the parties,
the petition is taken on board for hearing.

2. Petitioners have thrown challenge to the order dated 02 June 2025 passed by learned Central Administrative Tribunal, Jammu Bench, Jammu (*the Tribunal*) in **TA No.61/5309/2021** titled “***Vijay Kumar and others vs. State of Jammu and Kashmir and others***”, whereby the petitioners herein (respondents before the Tribunal) have been directed to regularize the services of the respondents herein (applicants before the Tribunal) under SRO 64 of 1994 and/or the Jammu and Kashmir Civil Services (Special Provisions) Act, 2010.

3. The respondents were engaged as daily rated workers in the Eco Task Force Division of the Forest Department and by now had completed, 25 to 30 years of their respective services as daily rated workers. The Tribunal relied upon the muster roll, service certificates and duty registers to substantiate the continuous and uninterrupted engagement of the respondents for the aforesaid period.

4. Notwithstanding the aforesaid position, the petitioners still have felt indignant of the order under challenge, whereby they were directed to regularize the services of the respondents, in view of law laid down by Hon’ble the Supreme Court in “***Jaggo vs. Union of India***” **2024 SCC OnLine 3826**.

5. The petitioners have challenged the impugned order, mainly on the ground that the services of the respondents were hired on need basis and were not against sanctioned posts,

therefore, in absence of any Scheme for regularization of their services, the Tribunal has committed illegality in passing the impugned order.

6. The petitioners have also taken the ground that all regularization policies, including SRO 64 of 1994 dated 24 March 1994 and SRO 520 of 2017 dated 21 December, 2017, were repealed vide S.O 514 dated 06 October 2023, therefore, according to the petitioners there is no regularization policy in vogue under which the claim of the respondents for regularization can be considered.

7. Per contra, Mr. C.S Azad, learned counsel appearing for the respondents toe the line of reasoning given by the Tribunal while passing the impugned order, therefore, same shall be taken note of hereinafter at appropriate stage.

8. Heard learned counsels for the parties.

9. Indisputably, the respondents are performing their duties for last 25 to 30 years and in this regard the Tribunal has relied upon muster roll, service certificates and duty register, which are not disputed by the petitioners. Now, the point that needs consideration is, as to whether the respondents (applicants) after having been allowed to perform the duties under any nomenclature for about three decades, same can be labelled as, **“temporary”** or **“of limited duration”**.

10. The continuity of services of the respondents itself proves the permanency of the work. Practice of hire and fire undermines the dignity of labour, creates insecurity, and defeats the very purpose of public employment, therefore, State cannot use technical labels, like temporary, need base, seasonal labour etc., as a shield to deny justice after it has already benefitted from the employees' labour for decades. In "***Shripal and another vs. Nagar Nigam, Ghaziabad***" reported as 2025 SCC Online SC 221 Hon'ble Supreme Court held thus:

"14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are "illegal" and those that are "irregular," the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices".

11. Hon'ble Supreme Court authoritatively further held that Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature.

12. Again in ***Jaggo Vs. Union of India; AIR 2025 SC 296***, strongly deprecated the practice of brushing aside long and uninterrupted service, for periods extending well beyond ten years, merely by labelling their initial appointments as part-time or contractual. Hon'ble Supreme Court rejected the contention of the respondent that there were no regular posts by holding that the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. It was further held that the appellants' performance over their long tenures further solidifies their claim for regularization. In this regard, what has been held in para No.22 assumes importance and same reads thus:-

22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the

principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

13. It is worth noting that Hon'ble Supreme Court in ***Dharam Singh & Ors. Vs. State of U.P & Anr.; AIR 2025 SC 3897*** unequivocally while referring to Uma Devi (supra) held that same draws distinction between illegal appointment and irregular engagements and does not endorse perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Hon'ble Supreme Court, while noting the long and perennial nature of duties of appellants ordered for regularization of their services.

14. In a recent judgment passed by Hon'ble Supreme Court in ***Bhola Nath Vs. The State of Jharkhand & Ors; 2026 SCC OnLine SC 129*** after taking note of the law laid down in Jaggo (supra), Shripal (supra), Dharam Singh (supra) and often quoted Uma Devi (supra) held that the respondent-State was not justified in continuing the appellants for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization. Hon'ble Supreme Court has further observed that the State, as a model employer, cannot

rely on contractual labels or mechanical application of Uma Devi (supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance and finally, directed the State to forthwith regularize the services of the appellants.

15. Be that as it may, after extracting work from the respondents continuously for about 25 to 30 years, it does not lie in the mouth of the State to assert that status of the respondents was that of casual workers or they were engaged on need basis, rather the continuity of the respondents in the department in whatever capacity, goes to show the permanency of the work, they were made to perform, thus, State being Model Employer is not expected to resort to the policy of “hire and fire”.

16. Insofar as the contention of the petitioners regarding repeal of SRO 64 of 1994 and SRO 520 of 2017 are concerned, same is not only self-defeating, but also is not sustainable in view of settled legal position that a right accrued under the Statute cannot be taken away retrospectively. The repeal of the Act or Rules cannot be applied to defeat a right that had crystallized under the repealed Act, more so, when it amounts to violation of Article 14 and 16 of the Constitution of India.

17. Therefore, the contention of the petitioners that the engagements of the respondents were on need basis, is also refuted by the admitted fact that the respondents had been performing continuous and uninterrupted duties for about three decades, therefore, such work cannot be termed as temporary,

rather same with the passage of time had acquired the status of permanence.

18. From the above made discussion, it is seen that the Tribunal has taken a pragmatic view, therefore, we do not find any error of fact or law committed by the Tribunal while passing the impugned order dated 02 June 2025. Accordingly, the present writ petition being devoid of merit is dismissed.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

JAMMU
30.05.2026
Surinder

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