

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

WP(C) No. 3307/2025

Reserved on 15.09.2026.

Pronounced on 21 .09.2026

Uploaded on 22 .09.2026

Full judgment is pronounced

UT of J&K and others

..... Petitioner (s)

Through :- Ms Monika Kohli Sr.AAG with
Ms. Priyanka Bhat Advocate.

V/s

Rameshwar Dutt and others

.....Respondent(s)

Through :- Mr. Abhirash Sharma Advocate

**Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**

JUDGMENT

Sanjeev Kumar J

1 The Union Territory of Jammu and Kashmir and its functionaries [“petitioners herein”] are aggrieved of and have challenged the judgment and order dated 20.03.2025 passed by the Central Administrative Tribunal, Jammu Bench [“Tribunal”] in TA No.1554/2022 titled *Rameshwar Dutt v. UT of Jammu and Kashmir and others*. The said Transfer Application was initially filed before this Court as WP(C) No.1285/2021. However, upon promulgation of the Jammu and Kashmir Reorganization Act, 2019 and constitution of the Tribunal, the writ petition was transferred to the Tribunal and registered as TA No.1554/2022.

2 Vide the impugned judgment, the Tribunal has quashed order dated 08.02.2022, whereby the claim of the respondent for regularisation of his services was rejected and he was shown to have been disengaged w.e.f. 31.03.2021. The Tribunal has further directed the petitioners, more particularly petitioner No.2, to regularise the services of the respondent as Junior Assistant in the Revenue Department from the date the said benefit was given to Naresh Kumar and Anil Kumar, who were engaged along with the respondent in the year 1993 and were performing similar duties and were regularised in the year 1995.

3 The impugned judgment has been challenged by the petitioners on several grounds. However, before considering the grounds of challenge, it would be appropriate to notice few relevant facts of the case.

4. The respondent, along with Anil Kumar and Naresh Kumar, was appointed as Junior Assistant by the Deputy Commissioner, Kathua in the year 1993. The appointment was made pursuant to sanction for appointment of special Revenue staff to attend to the work relating to requisition/acquisition of immovable property in District Kathua for defence purposes. The engagement of the respondent was on *ad hoc*/temporary basis and was extended from time to time. Vide order dated 31.01.1994, Naresh Kumar was assigned duties in the Tehsil Office, Kathua as Junior Assistant on *ad hoc* basis. Thereafter, vide order dated 27.10.1995, Naresh Kumar was assigned the charge of Nazarat Section in Tehsil Office, Kathua, whereas Anil Kumar was assigned the work of Accountant in Tehsil Office, Hiranagar. Vide order dated 25.10.1995, the respondent, who was working as Receipt Clerk in the Defence Section in the office of the Deputy Commissioner, Kathua, was allowed to continue in the said office till further orders.

5. Apprehending termination of his services, the respondent approached this Court by filing SWP No.2810-A/1999, seeking, *inter alia*, a direction to the petitioners not to disengage him as also to release his salary. The said writ petition was disposed of by this Court vide order dated 01.03.2001 with a direction that, in case the petitioner was holding the post, he would be allowed to continue. It was further directed that the respondent would be paid salary for the period during which he had actually worked. Thereafter, vide communication dated 10.09.2014, the Deputy Commissioner, Kathua informed that the Junior Assistants engaged on temporary basis were relieved from the office of the Deputy Commissioner, Kathua and placed at the disposal of the SDM, Hiranagar. The services of the respondent, who had been engaged in the year 1993 and had continuously performed his duties in the office of Deputy Commissioner was, accordingly, placed at the disposal of the SDM, Hiranagar. In the meantime, services of Naresh Kumar and Anil Kumar came to be regularised. The respondent also had a short break in service from 04.10.2012 to 21.10.2012. However, vide order dated 28.03.2013, the Deputy Commissioner, Kathua allowed the respondent to continue against the post on which he was working, excluding the intervening period.

6. The respondent thereafter continued to work as Junior Assistant on *ad hoc* basis. He made several representations to the petitioners from the year 2000 onwards, seeking the same treatment as was given to Naresh Kumar and Anil Kumar. By then, he had rendered more than 27 years of service. His representations, however, were not considered. It further appears from the record that vide communication dated 15.02.2021, the Deputy Commissioner, Kathua sought to know from the Defence Estate Officer, Jammu whether the services of the respondent were required in future. The Defence Estate Officer, Jammu, vide communication dated 15.03.2021, informed the Deputy Commissioner, Kathua

that the services of the respondent were not required for MoD works relating to acquisition/requisition/hiring in future. The respondent was thereafter shown to have been disengaged w.e.f. 31.03.2021. His claim for regularisation was rejected vide order dated 08.02.2022. Aggrieved whereof, he approached this Court by filing WP(C) No.1285/2021, which, upon transfer, came to be considered by the Tribunal.

7. Learned Senior AAG appearing for the petitioners submits that the respondent was engaged purely on temporary/*ad hoc* basis for defence-related works. It is submitted that the sanction for his engagement and the funds for payment of his salary were provided by the Principal Directorate, Western Command, Chandigarh. It is also submitted that there was no right of regularisation attached to his engagement and that, once the Defence Estate Officer informed that his services were no longer required, there was no justification for continuing him. It is further submitted that Naresh Kumar and Anil Kumar were never regularised by the competent authority and that the entries made in their service records cannot give any right to the respondent to claim similar treatment.

8. We have heard learned counsel for the parties and perused the record.

9 There is no dispute that the respondent was appointed in the year 1993 along with Naresh Kumar and Anil Kumar. It is also not disputed that he continued to discharge his duties for more than three decades, except for the short intervening period noticed above. It is further not disputed that his services were throughout utilized by the authorities for performing the duties assigned to him.

10 The contention of the petitioners that the respondent was only a temporary employee cannot be considered without looking at the manner in which he was treated by the authorities for all these years. The respondent was appointed

along with Naresh Kumar and Anil Kumar and was performing similar duties. The aforesaid two persons were treated differently by the authorities and were allowed to continue in service with the benefits of regular service.

11. We are conscious of the settled legal position that mere continuation on *ad hoc* or temporary basis for a long period does not, *ipso facto*, confer upon such person any right to regularization. Regularization also cannot ordinarily be directed contrary to the applicable rules. However, the facts of the present case are different. The respondent has been in service since 1993. His services were utilized for more than three decades. His engagement was extended from time to time and he was permitted to perform the duties of Junior Assistant. He repeatedly approached the authorities seeking the same treatment as was given to Naresh Kumar and Anil Kumar. Instead of taking a final decision on his claim, the authorities continued to utilize his services and, after more than three decades, sought to disengage him on the ground that his services were no longer required. We cannot countenance such an approach. The petitioners cannot keep the respondent as a temporary employee for more than three decades, continue to take work from him and then deny him the benefit of regularization on the ground that his initially appointment was temporary when two other persons similarly situated with him already stood regularized. The respondent has been pursuing his claim since 1999. His repeated representations were not properly considered. At the same time, the persons who had been engaged along with him were given different treatment. First, they were adjusted in Tehsil offices and later regularized by preparing their service books and granting them timely in-situ promotion. Mr. Naresh Kumar has retired and is receiving pension.

12. We have no hesitation in observing that the manner in which the case of the respondent has been dealt with by the petitioners is highly deplorable. There

is no satisfactory explanation tendered by the petitioners as to why, when persons similarly situated were accommodated and treated as regular employees, the respondent, who was similarly situated and was performing similar duties, was left to continue as an *ad hoc* employee for decades.

13 The plea that Naresh Kumar and Anil Kumar were not formally regularized by the competent authority does not answer the issue. If their service books were prepared and they were allowed to enjoy the benefits of regular service, the petitioners cannot now rely upon the absence of a formal order of regularization to deny similar treatment to the respondent. The record shows a clear lack of application of mind on the part of the authorities. The respondent has apparently been subjected to hostile discrimination by the petitioners. It is also relevant to note that one of the two similarly situated employees has since died and the other has been receiving pensionary benefits. At this stage, it is not possible for us to go back and undo the treatment already given to them. The respondent has been pursuing his claim since 1999 and has served the Department for more than three decades. In the peculiar facts of the case, he is, therefore, required to be treated on a par with the similarly situated employees. Strictly speaking, it may not be a case of perpetuating a wrong.. More so, the petitioners have not taken any remedial measures to undo the wrong.

14. The Tribunal has considered the facts of the present case and has directed the petitioners to regularize the services of the respondent as Junior Assistant in the Revenue Department from the date the same benefit was given to Naresh Kumar and Anil Kumar. In the facts and circumstances of the case, we find no illegality in the judgment passed by the Tribunal warranting interference by this Court.

15. Before parting, we deem it appropriate to deprecate the manner in which the case of the respondent has been dealt with by the authorities. The authorities ought to have taken a fair and rational decision on his claim much earlier. The respondent was allowed to work for decades and was repeatedly made to approach the authorities and the Court, while similarly situated persons were given the benefit of regular service. Such administrative callousness and failure to consider the just claim of an employee, thereby subjecting him to hostile discrimination, cannot be countenanced.

16. For the foregoing reasons, we find no merit in the present writ petition. The same is, accordingly, **dismissed**. Consequently, the judgment and order dated 20.03.2025 passed by the Central Administrative Tribunal, Jammu Bench in TA No.1554/2022 is upheld. The petitioners shall comply with the directions issued by the Tribunal in accordance with law. The record of the Tribunal shall be sent back forthwith.

(SHAHZAD AZEEM)
JUDGE

(SANJEEV KUMAR)
JUDGE

JAMMU
21.09.2026
SANJEEV

Whether judgment is speaking: Yes
Whether judgment is reportable: Yes