

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 3373/2025

Date of pronouncement: **28.01.2026**

Date of uploading: **30.01.2026**

.....Appellant(s)/Petitioner(s)

1. **UT of J&K** through its Chief
Secretary, Civil Secretariat, UT of
J&K at Jammu
2. UT of J&K through its
Administrative Secretary to Govt,
Skill Development (T.E.) Deptt.,
Civil Secretariat, UT of J&K at
Jammu
3. Director, Skill Development (TE)
Deptt., Jammu.
4. Superintendent, Industrial Training
Institute, Basohli.

Through: Mr. Bhanu Jasrotia, GA

vs

Neena Devi, age 32 years
D/o Girdhari Lal
W/o Surjit Kumar
R/o Ward No. 06, Kathua, Tehsil & Distt.
Kathua.

..... Respondent(s)

Through: Mr. M. Y. Akhoon, Advocate

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

ORDER

Sanjeev Kumar 'J'

1. Impugned in this petition, filed by the petitioners under Article 226 of the Constitution of India, is an order and judgment dated 31.07.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu ["**the Tribunal**"] in TA No. 79/2025 titled "*Neena Devi Vs. UT of*

J&K & others”, whereby the petition filed by the respondent herein has been allowed by the Tribunal with a direction to the petitioners herein to regularise her services from the date of completion of seven years of service with all consequential benefits.

2. Impugned judgment is assailed by the petitioners primarily on the ground that at the time of her initial appointment, the respondent had submitted an undertaking that she would abide by the terms and conditions of her engagement and shall not claim regularisation against the post held by her on temporary basis. It has also been submitted that, though initially the salary of the respondent was drawn against the substantive post, however, later on, pursuant to the interim direction passed by this Court on 19.07.2012, the same was drawn from Object Head 017 (*Honorarium and Remuneration*). It is, therefore, contended that the respondent did not qualify for regularisation under the J&K Civil Services (Special Provisions) Act, 2010 [**“the Act of 2010”**] and therefore, the Tribunal has erred in issuing directions to the petitioners to regularise her services.
3. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Tribunal is perfectly legal and falls within the four corners of law.
4. Admittedly, the respondent was engaged against a vacant post of Instructor in Sewing and Cutting Trade in the Industrial Training Institute (ITI), Basohli in the year 2006 on consolidated pay of

₹2,500/- per month. The arrangement was initially for a period of 59 days in the first instance and the same was extended from time to time till the year 2012.

5. As is apparent from the communication of Superintendent, Industrial Training Institute, Basohli bearing No. ITI/BAS/2012/67-68 dated 28.06.2012 addressed to the Deputy Director, Technical Education, Jammu, the respondent continuously performed her duties as Instructor in Cutting and Sewing Trade in Industrial Training Institute, Basohli till the year 2012 and drew her wages against the vacant post available in the institute. It was only in the year 2012, that an attempt was made to replace the respondent by a similar arrangement and for that purpose, an advertisement notification dated 28.06.2012 was issued. Feeling aggrieved, the petitioner filed SWP No. 1576/2012 before this Court, which, upon transfer to the Tribunal, was registered as TA No. 79/2025. In the aforesaid writ petition, the petitioner, *inter alia*, threw a challenge to the advertisement notification dated 28.06.2012 (*supra*) and also prayed for a direction to the petitioners herein to regularise her services in terms of the Act of 2010. This petition was contested by the petitioners before the Tribunal on the ground that the respondent, having been appointed on an academic arrangement for a fixed period, was not entitled to the benefit of the Act of 2010. It was also pleaded by the petitioners herein that the respondent having submitted an undertaking that she will not claim regularisation is estopped by her conduct to file a petition.

6. The Tribunal having taken note of the rival contentions and the material on record, came to the conclusion that the respondent having been appointed/engaged as Instructor in the year 2006 had completed continuous service of more than seven years as a consolidated employee working against the clear vacant post and, as such, was entitled to the benefit of regularisation envisaged under the Act of 2010. It is on this basis that the Tribunal allowed the petition and granted the relief of regularisation, prayed for by the respondent, in terms of the judgment impugned in this petition.
7. We have carefully gone through the judgment impugned and are of the considered opinion that the respondent fulfils all the eligibility requirements for regularisation laid down in the Act of 2010. She was appointed in the year of 2006 and, therefore, has completed continuous service of seven years as Instructor, on consolidated basis, in the year 2013. She was working against the post and possessed the eligibility to hold the post. The petitioners have not been able to point out any other ineligibility attached to the respondent, which would disqualify her to seek the benefit of regularisation under the Act of 2010. The Tribunal has clearly appreciated the facts and has rightly concluded that the case of the petitioner, who was allowed to continue at least till the year 2012 without any intervention of the Court had acquired a right to continue and seek regularisation on completing seven years of the continuous service, which she completed during the pendency of the petition.

8. Viewed thus, we find no reason or justification to interfere with the well reasoned order passed by the Tribunal. This petition is found to be without any merits and the same is, accordingly, *dismissed*.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
28.01.2026
Vishal Sharma

Whether the order is reportable? Yes/No

Whether the order is speaking? Yes/No

