

HIGH COURT OF JAMMU & KASHMIR AND LADAKH**AT JAMMU****Through Virtual Mode**

CCP(S) 779/2019 IN[WP(C) 3702/2019].

SUKHVINDER KOUR AND ORS.

...Petitioner(s)

Through: Ms. Arti Devi, Adv vice
Mr. Achal Sharma, Adv.

VERSUS**AMIT DULOO COMMISSIONER SECRETARY TO GOVT.
HEALTH AND MEDICAL EDUCATION DEPTT. AND OTHERS.**

...Respondent(s)

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

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER**11.09.2026**

1. Learned counsel appearing on behalf of the respondents has drawn the attention of this Court to an order passed by this Court on 03-07-2026, on which date the Court has directed the respondents to file an affidavit, demonstrating the distinguishable feature which segregate the case of the petitioner from those dealt with by this Court in case titled '*Ashok Kumar V. State of J&K and Ors*' reported in 2003 (Supp.) JKJ 93 and '*State of J&K and Ors vs. Mushtaq Ahmad Sohail and Ors*' reported in 2012(4) JKJ 105.
2. However, Mr. Raman Sharma, learned AAG appearing on behalf of the respondents, further submits that the respondents have passed the order on 24-03-2026, whereby the claim of the petitioners for the grant of retrospective regularisation was rejected with the rider that the respondents will file an affidavit demonstrating the distinguishable feature. Mr. Raman

Sharma, learned AAG, submits that in compliance with the aforesaid order dated 03-07-2026, the respondents have filed an affidavit on 09-09-2026, highlighting the distinguishable features in terms of the aforesaid order. For facility of reference it would be apt to reproduce para 7 and 8 of the aforesaid affidavit.

7. That is most humbly submitted that Government Order No. 1585-GAD of 2001 was suppressed by Govt. Order No. 168-GAD of 2004 dated 09-02-2004, and from 2004 to 2010 there was no Law for regularization of services of the petitioners and it is settled position of Law, that no person can claim regularization in service unless the regularization is provided under any statute, Rule or Government Order. The services of the respondents have been regularized in terms of Jammu & Kashmir Civil Services (Special Provisions) Act 2010. The first Proviso to Section 5 of the Jammu & Kashmir Civil Services (Special Provisions) Act 2010 Provided:-

“Provided that the regularization of the eligible Ad-hoc or Contractual or Consolidated appointees under this Act shall have effect only from the date of such regularization, irrespective of the fact that such appointees have completed more than 07 years of services on the appointed day or thereafter but before such regularization.”

8. That SRO-64 of 1994 covers in its ambit only daily rated workers/work charged employees in any Govt. Department and the Hon'ble High Court in Judgment rendered in Ashok Kumar V. State of J&K and Ors Vs. Mushtaq Ahmad Sohail and Ors' reported in 2012(4) JKJ 105 directed the respondents to regularize all the employees irrespective of their nomenclature, as such these Judgments are applicable to the daily rates workers/Daily wagers/Casual Labourers who are covered under SRO-64 of 1994, as such these judgments are not applicable in the instant case. It is further humbly submitted that, recently the Hon'ble High Court has disposed of a contempt petition bearing CCP(S) No. 770/2019 in

WP(C) 3691 titled Sikander Lal and Ors vs Dr. Syed Abid Rasheed Shah and Ors filed by the similarly employees.

3. From a bare perusal of the aforesaid paras, it is apparently clear that the respondents have highlighted the distinguishable features which segregates the case of the petitioners the petitioners in case titled '*Ashok Kumar V. State of J&K and Ors*' reported in 2003 (Supp.) JKJ 93 and '*State of J&K and Ors vs. Mushtaq Ahmad Sohail and Ors*' reported in 2012(4) JKJ 105.
4. While filing the aforesaid affidavit, the respondents have specifically pleaded that SRO 64 of 1994 covers in its ambit only daily-rated workers/Work Charged Employee in any Govt. Department and the Judgment rendered by this Court in '*Ashok Kumar V. State of J&K and Ors*' reported in 2003 (Supp.) JKJ 93 and '*State of J&K and Ors vs. Mushtaq Ahmad Sohail and Ors*' reported in 2012(4) JKJ 105, directing the respondents to regularise all the employees irrespective of the nomenclature, and therefore, as per the learned counsel for the respondents these judgments are applicable to daily rated workers/daily wagers/casual labourers/work charged employees, who are covered under SRO 64 of 1994 and are not applicable to the instant case for the reason that the petitioners were engaged on Ad-hoc and were to be regularised in the light of JKJ Special Civil Services (Special Provisions 2010), and accordingly, they were regularised in terms thereof.
5. It has been vehemently argued that the petitioner cannot claim any benefit in terms of SRO 64 of 1994, as the said SRO is applicable to daily rated workers/work charge employees. He further submits that once the

petitioners have expected the regularisation in terms of the aforesaid Act, then they cannot stake any claim in terms of SRO 64 of 1964, which was not applicable to the case of the petitioners, being an Ad-hoc employees.

6. Thus, in the light of the submission made by the learned counsel for the respondents and also in the light of the affidavit so filed in terms of order passed by this Court dated 03-07-2026, this Court is in agreement with the assertion made by learned counsel appearing on behalf of the respondents that the order/judgment passed by the learned writ court which is subject matter of the instant contempt petition, stands complied with, and therefore, in the light of the stand so taken and arguments so advanced, the proceedings in the instant contempt petition are ***closed***.
7. Rule if any framed, shall stand ***discharged***. However, the closure of the instant contempt petition shall not come in the way of the petitioner to challenge the order of consideration dated 24-03-2026, if so advised by way of appropriate proceedings.
8. Contempt petition ***disposed of***.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
11.09.2026
Sarvar