

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 3177/2025 CM(8536/2025)

c/w WP(C) 3069/2025

WP(C) 163/2026

1. UNION OF INDIA, THROUGH ITS
DIRECTOR GENERAL
ARCHAEOLOGICAL SURVEY OF
INDIA 24, TILAK MARG NEW DELHI-
110001

...Petitioner(s)

2. SUPERINTENDENT
ARCHAEOLOGICAL SURVEY OF
INDIA SRINAGAR CIRCLE, JAMMU
JAMMU & KASHMIR - 180004

Through: Mr. Viqas Malik, Advocate

Vs.

ZAHOOR AHMAD KHAN AND 31 ORS.

...Respondent(s)

Through: Mr. Zahoor A. Shah, Advocate.

CORAM:

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

ORDER (Oral)

29.04.2026

01. The Union of India and one other are before us in this petition filed under Article 226 of the Constitution of India to throw challenge to an order dated 6th February, 2025 passed by the Central Administrative Tribunal, Srinagar ["the Tribunal"] in CP/169/2023 in OA No. 639/2023 titled "*Zahoor Ahmad Khan & Ors. Vs. Union of India & Ors.*", whereby the Tribunal has set aside the consideration order dated 3rd August, 2024 and asked the petitioners herein to reconsider the claim of the respondents herein in light of some judgments and pass appropriate orders within two months from today.

02. Briefly stated, the facts leading to the filing of this writ petition are that the respondents, claiming to have been engaged as Multi-Tasking Staff ["MTS"] in the year 1990 onwards and

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having been in the service of the petitioners continuously for a long period, filed OA No. 639/2023 before the Tribunal seeking, *inter-alia*, a direction to the petitioners herein to regularize their services on the analogy of some similarly situated employees who stood regularized by the petitioners from time to time. The OA was disposed of by the Tribunal vide order dated 16th August, 2023 by passing the following directions:

"the respondents are directed to consider the claim of the applicants for regularization of their service on the same analogy as has been done in case of other employee, if the applicants are similarly placed with the applicants, especially taking into account order dated 17.05.2023. Needless to be done in accordance with law within six weeks from today by passing a speaking and reasoned order."

03. In compliance with the directions passed by the Tribunal, the petitioners passed a consideration order dated 3rd August, 2024, thereby rejecting the claim of the respondents for regularization by placing a reliance upon the settled position of law on the subject.

04. Feeling aggrieved, the respondents filed a contempt petition, which was registered as CP No. 169/2023, in which the Tribunal considered the consideration order and found the same not in consonance with the judgment dated 16th August, 2023 passed in OA No. 639/2023, and accordingly directed the petitioners herein to reconsider the matter. This direction was passed by the Tribunal in terms of the order impugned in this petition.

05. Having heard learned counsel for the parties and perused the material on record including the order impugned, we are of the considered opinion that the consideration order dated 03.08.2024 is not strictly in compliance with the

judgment dated 16th August, 2023 passed in OA No. 639/2023. In such circumstances, the Tribunal ought to have rejected the consideration order and called upon the petitioners herein to pass a fresh order strictly in tune with the judgment dated 16th August, 2023 *supra*. However, the Tribunal travelled beyond the scope of its contempt jurisdiction and, instead of only directing the petitioners to reconsider the claim of the respondents strictly in terms of the judgment dated 16th August, 2023 also issued a direction in the nature of Mandamus to reconsider in light of the some case law which the Tribunal discussed in detail in the order impugned. In this way, we are in agreement with the learned counsel for the petitioners that the Tribunal not only amplified but also made additions to the directions originally passed on 16th August, 2023 in OA No. 639/2023. Such course was not permissible in law.

06. Be that as it may, since we are also convinced that the consideration order is not in consonance with the judgment dated 16th August, 2023 passed in OA No. 639/2023, as such, the direction of the Tribunal to the petitioners to reconsider the matter needs to be upheld, with the modification that such reconsideration would be strictly as per the judgment dated 16th August, 2023 passed in OA No. 639/2023, which enjoins the petitioners to consider the claim of the respondents for regularization on the analogy of similarly situated persons, while taking into account the order dated 17th May, 2023.

07. In view of the aforesaid, this petition is partially allowed and the order impugned passed by the Tribunal is modified to the extent provided above.

08.

Disposed of.

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09. Consequently, WP (C) No. 3069/2025 and WP (C) No. 163/2026 are also *disposed of* in view of the above-said directions passed in WP (C) No. 3177/2025.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

29.04.2026

"ARIF"

Whether approved for reporting? Yes/No

