

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

LPA 121/2020 in[SWP 654/2014]

UT OF JK & ORS

... Appellant(s)

Through: Ms. Maha Majeed, AC vice
Mr. Mohsin Qadri, Sr. AAG
Vs.

MOHAMMAD ASHRAF KHAN

...Respondent(s)

Through: Mr. M.Y. Bhat, Sr. Advocate with
Mr. Sajid Ahmad, Advocate

CORAM:

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

ORDE R

09.04.2026

1. Impugned in this Letters Patent Appeal, filed by the UT of JK and two others, is an order and judgment dated 17th May, 2016 passed by the learned Single Judge of this Court [“the writ Court”] in SWP No. 654/2014, whereby the writ Court has allowed the writ petition filed by the respondent and directed his regularization with effect from the date he completed seven years of service as a Daily Rated Worker, notwithstanding that his services had been disengaged w.e.f 24th February, 2005.
2. Having heard learned counsel for the parties and perused the material on record, we find that the basic facts are not in dispute. Admittedly, the respondent was engaged as a Daily Rated Worker in February 1996 in District Budgam and was disengaged on 24th February, 2005. The respondent had thus completed continuous service of seven years as a Daily Rated Worker and had earned the right to be regularized in terms of the Government Order dated 6th November, 2001. The case of the respondent was considered by the petitioners in compliance

with the directions issued by this Court, but the same was rejected on the ground that he was not covered under SRO 64 of 1994, nor was he in the service of the petitioners at the relevant time.

3. The writ Court did not accept the contention of the petitioners herein that the respondent, having been engaged after 31st January, 1994, was not entitled to the benefit of regularization envisaged SRO 94 of 1994. The contention of the petitioners was rejected by the writ Court in view of the law laid down by a Division Bench of this Court in LPA No. 33/2010 titled “*State of J&K & Ors. Vs. Mushtaq Ahmad Sohail & Ors.*” reported in SLJ 2013(1) 73.
4. In view of the law laid down by a Division Bench of this Court, that the Daily Rated Workers engaged even after 1st April, 1996 and who were working as a Daily Rated Workers till 06.11.2001 were entitled to be regularized under SRO-64 of 1994 upon completion of seven years of continuous service subject, of course, to the fulfillment of requisite essentials required for regularization. In the given admitted fact situation, the writ Court has taken the correct view in the matter which we have no reasons or justification to differ with. The case of the respondent is fully covered by the judgment of Mushtaq Ahmad Sohail & ors and the writ petition filed by him has rightly been allowed by the writ Court.
5. For all the reasons, we find no merit in this appeal and the same is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

09.04.2026

“ARIF”