

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

WP(C) 1529/2021

**SHEIKH NISAR AHMAD AND ...Petitioner/Appellant(s)
ORS**

Through: Mr. Shuja Ul Haq, Advocate

Vs.

**UNION TERRITORY OF J AND K ...Respondent(s)
AND ORS.**

Through: Mr. Mohsin S. Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel

CORAM:

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE**

ORDER (ORAL)

05.08.2026

1. This petition by the petitioners, six in number, filed under Article 226 of the Constitution of India, arises from an order and judgment dated 09.03.2021, passed by the Central Administrative Tribunal, Jammu Bench ["the Tribunal"] in TA No. 3146/2021 (SWP No. 1544/2018), whereby the petition filed by the petitioners herein has been dismissed as meritless.

2. Before we advert to the grounds of challenge urged by, Mr. Shuja ul Haq, learned counsel appearing for the petitioners, it would be appropriate to narrate a few facts that are germane to the disposal of this petition.

3. Vide advertisement notification dated 29.03.2012, issued by the Chief Conservator of Forests, Project Coordinator CAMPA, applications were invited from qualified manpower to work in the State CAMPA on a purely temporary basis until needed in the project mode. The manpower included the Technical Assistants.

The petitioners who possessed the requisite qualification i.e., graduation in Forestry from recognized University, responded to the advertisement notification and were engaged as Technical Assistants by the respondents through different orders issued on 12.07.2013/13.08.2013. They were given extensions from time to time.

4. It seems that while they were working as Technical Assistants in a temporary capacity on the basis of extensions granted from time to time, a proposal was mooted by the respondents to regularize their services in the Department of Forestry. Accordingly, a memorandum was prepared for submission to the State Cabinet. As per the memorandum, it was proposed for the approval of the State Cabinet that 09 posts of Range Officer-II in the Forest Department be created and the petitioners herein along with three others who were working as Technical Assistants in the CAMPA Project be re-designated as Range Officer-II by way of absorption. The Memorandum also stated that this would be one time exception and the regularization would be accorded only to those Technical Assistants who were possessed of at least 5 years of service as Technical Assistants. This proposal did not fructify into any decision of the Cabinet followed by a Government order.

5. Aggrieved by the inaction of the respondents, the petitioners filed SWP No. 1544/2018 titled *Sheikh Nisar Ahmad and Ors. Vs. State of J&K and Ors.* The writ petition was taken up for consideration by the learned Single Judge on 11.07.2018. While issuing notice to the respondents the Court also directed the respondents, by way of an interim measure, to consider and take decision on the memorandum dated 15.02.2018 submitted by respondent No.2 and also on the recommendation made by respondent No.3 contained in communication dated 30.05.2016

regarding the creation of posts and regularization of the petitioners.

6. It transpires that, in compliance with the aforesaid interim direction, the respondents considered the matter and in terms of Government Order No. 355-FST of 2018 dated 25.10.2018, turned down the same on the ground that it had no merit. It was observed that the engagement of the petitioners as Technical Assistants was purely on temporary basis and, therefore, their services could not be regularized.

7. Feeling aggrieved, the petitioners amended their writ petition to lay a specific challenge to the Government Order No. 355-FST of 2018 dated 25.10.2018. They also prayed for a writ of mandamus to command the respondents to submit proposal for creation, re-designation of 09 posts of Technical Assistants to the State Administrative Council and absorb/regularize their services on the basis of the memorandum dated 15.02.2018.

8. The petition was contested by the respondents by filing a written statement. It was pleaded by the respondents that the engagement of the petitioners was on need basis in a Project and, therefore, they were not entitled to regularization. The matter, upon transfer to the Central Administrative Tribunal, was taken up for consideration which has in terms of order and judgment impugned dismissed the petition.

9. The order is challenged primarily on the ground that the Tribunal has failed to appreciate that by allowing the petitioners to continue in service for 8/9 years, the respondents had generated legitimate expectation in them to continue and get regularized after some time. It is argued by Mr. Shuja ul Haq, Advocate that the petitioners, having rendered services of more than 07 years, have acquired the right to regularization and same was recognized

by the respondents in the year 2017 when they prepared a memorandum for the approval of the Cabinet.

10. It is not in dispute that the engagement of the petitioners as Technical Assistants in the CAMPA project was temporary and on need basis and, therefore, they had no indefeasible right to claim continuation indefinitely. However, the fact remains that the services of the petitioners right from the year 2013 were utilized by passing different extension orders and that would clearly demonstrate that the need for which the petitioners had been engaged in the year 2013 continues to exist.

11. It is not the case of the respondents that the CAMPA project has come to an end and, therefore, they do not require the services of the petitioners. As a matter of fact, it has come on record that there was a proposal moved by the respondents for outsourcing the labour required in the CAMPA project. The apprehension of the petitioners that in the garb of outsourcing, they may be replaced by a similar temporary arrangement cannot be said to be without any substance.

12. So far as the prayer of the petitioners for regularization is concerned, we concur with the view of the Tribunal that in absence of any statutory rules or a policy decision taken by the Government, the temporary engagements particularly those made co-terminus with the project cannot be regularized. Nonetheless the petitioners who have been working continuously since 2013 in the CAMPA project cannot be thrown out or replaced by a similar arrangement more particularly, when the CAMPA project is still in operation and has not been shut or completed.

13. For the foregoing reasons, we dispose of this petition by providing that the petitioners who are working as 'Technical Assistants' in the CAMPA shall be permitted to continue and paid

their wages regularly so long as the CAMPA project remains in operation. There shall be no attempt by the respondents to replace them by similar arrangements either made directly or through outsourcing.

14. The case of the petitioners for regularization shall be considered along with other similarly situated persons only if the Government comes up with the policy or issues some statutory rules in this regard in consonance with law.

15. Disposed of

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

05.08.2026

Bhat Aadil

Whether the order is speaking:

Yes/No

Whether the order is reportable:

Yes/No

