

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)

WP(C) No. 2662/2023
CM No. 6321/2023

Date of pronouncement: 27.07.2026
Date of uploading:- 27.07.2026

1. UT of J&K th. Comm./Secy. to Govt., Forest Department, Civil Secretariat, Jammu/Srinagar Appellant(s)/Petitioner(s)
2. Director, Forest Protection Force J&K Srinagar.
3. Joint Director, Forest Protection Force, Jammu.
4. Deputy Director, Forest Protection Force, Jammu

Through: Ms. Maha Majeed, Advocate vice
Mr. M. Qadri, Sr. AAG

vs

1. Nasir Hassan Hamdani, Age 47 years S/o M. A. Hamdani R/o Sanat Nagar Bypass, Srinager. Respondent(s)
2. Namrata Raina, Age 46 years, D/o M. K. Raina, R/o Rehari Colony, Jammu.
3. Miss Muzamil Niazi, Age 43 years, D/o Abdul Kabir Bhat, R/o Kullar Tehsil Pahalgam, District Anantnag.
4. Kalpana Koul, Age 44 years, D/o Kashi Nath, R/o Room No. 2, Block No. 6, JDA Flats, Jammu.
5. Ashok Kumar Sharma, Age 45 years, S/o Amar Nath Sharma, R/o Tarror Tehsil & District Samba.
6. Ms. Tabasum Gul, Age 43 years, D/o Ghulam Mohd. Ganai, R/o Fateh Kadal, Tehsil and District Srinagar.
7. Ghulam Mohammad Baghwan, S/o Abdul Ahad Bagwan, R/o Handwara Kashmir.
8. Nisar Ahmad Bhat, Age 47 years, S/o Mohd. Maqbool Bhat, R/o Tankipora, Tehsil & District Srinagar.

Through: None

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

ORDER (ORAL)

27.07.2026

Sanjeev Kumar 'Chief Justice(A)'

1. This is a petition by the Union Territory of Jammu and Kashmir and three others filed under Article 226 of the Constitution of India to throw challenge to an order and judgment dated 10.07.2023 passed by the Central Administrative Tribunal, Srinagar Bench, Srinagar [the Tribunal] in T. A. No. 62/2354/2021 (in SWP No. 2975/2018) titled "*Nasir Hassan Hamdani and others Vs. State of Jammu and Kashmir and others*", whereby the Tribunal has allowed the petition of the respondents and quashed the Government order No. 321-FST of 2013 dated 30.08.2013 and directed the petitioner herein to regularise the services of the respondents in terms of SRO 64/1994 read with Govt. Order No. 1285 GAD of 2001 dated 06.11.2001 from the date of completion of 7 years of service with the consequential benefits of Old Pension Scheme.
2. Briefly stated the facts leading to filing of this petition, as are gatherable from the pleadings of the parties before the Tribunal, are that the respondents were appointed as Junior Assistants in the Forest Protection Force of the Forest Department on consolidated basis during the year 1997-98 and were then put in the regular pay-scale of 3050-4590. Indisputably, the appointment of the respondents on

consolidated emoluments was not through any regular selection process.

3. Be that as it may, they continued to perform their duties as Junior Assistants till their cases came to be considered under the J&K Civil Services (Special Provisions) Act, 2010 [“the Act of 2010”]. Vide Govt. Order No. 321-FST of 2013 dated 30.08.2013, the services of the petitioners were regularised on prospective basis. This order was accepted by all the petitioners and it was only after a period of more than five years, the petitioners approached a Single Bench of this Court by way of SWP No. 2975/2018 seeking, *inter alia*, a writ of certiorari for quashing the Govt order dated 30.08.2013 and treating them as have been regularly appointed since the year 1997-98.
4. As is evident from the reading of the entire writ petition, the respondents did not base their claim for regularisation from any date other than the date of their initial appointment on consolidated basis. There is, however, reference of SRO 64 of 1994 and Govt. Order No. 1285 GAD of 2001 in the petition made in support of the claim set up in the petition. The petition filed by the respondents was contested by the petitioners, who in their reply clearly submitted that the petitioners having completed seven years of continuous service on consolidated basis against clear vacancies were regularised as Junior Assistants under the Act of 2010 and this was done by the petitioners in terms of Govt. Order dated 30.08.2013 (*supra*). The Tribunal has considered the rival contentions in the light of material on record and

came to the conclusion that the respondents herein ought to have been considered for regularisation under SRO 64 of 1994 read with Govt. Order No. 1285 GAD of 2001.

5. The petitioners are aggrieved and have called in question the impugned judgment passed by the Tribunal, primarily on the ground that the Tribunal has not appreciated that provisions of SRO 64 of 1994 were applicable only to the daily-wagers and not to the persons appointed against clear vacancies either on consolidated, temporary or *ad-hoc* basis. It is submitted that Govt. Order No. 1285 GAD of 2001 was though issued by the petitioners to give the benefit of regularisation to *ad-hoc* appointees having completed seven years of continuous service, but the same was later withdrawn before the respondents could complete their continuous service of seven years.
6. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal cannot sustain in law and therefore, deserves to be set aside. We give our reasons as under :-

- (1) The respondents having accepted the benefit of regularisation under the provisions of the Act of 2010 without any protest or demur, cannot be permitted to challenge the same, that too, after a gap of more than five years. Not only the respondents are estopped by their conduct to call in question the Govt. Order of 2013 (*supra*), but their petition before the Tribunal was hit by delay and laches also.

- (2) The respondents cannot seek the benefit of SRO 64 of 1994, which provided for regularisation of daily-wagers, who having been appointed before 31.03.1994 would complete continuous service of seven years. Admittedly, the respondents were neither the daily-wagers nor were they engaged prior to issuance of SRO 64 of 1994.
- (3) The respondents were also not entitled to the benefit of Govt. Order No. 1285 GAD of 2001 dated 06.11.2001 for the reason that the said Govt. Order was later withdrawn vide Govt. Order No. 168-GAD of 2004 dated 09.02.2004 and that was before the respondents could complete seven years of continuous service.
- (4) The respondents never ever before their regularisation under the Act of 2010 staked their claim for regularisation under Govt. Order of 2001.

7. In view of the above, we find merit in this writ petition and the order impugned, passed by the Tribunal, is set aside.

8. ***Disposed of.***

(Mohd. Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (A)

Jammu
27.07.2026
Vishal Sharma

Whether the order is reportable?:

Yes/No