

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

(Through Virtual Mode)

WP(C) No. 2487/2026

CM No.6712/2026

Caveat No. 2318/2026

State of J&K & Ors.

.... Petitioner/Appellant(s)

Through:- Mr. Furqan Yaqub Sofi, Advocate

V/s

Shadi Lal Raina

.....Respondent(s)

Through:- Mr. S.R Hussain, Advocate
Mr. Syed Tabeer Riyaz, Advocate

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER
30.09.2026

01.The facts which are uncontroverted are that the respondent had joined the petitioners on 05.07.1985 as daily wager. The respondent thereafter migrated from the Valley for a certain period, but was re-engaged on 08.08.1994 in the same department and continued to work thereafter until he superannuated on 31.05.2026. The proposition which was adjudicated by the learned Central Administrative Tribunal (for short, 'learned CAT') was whether the respondent was entitled for regularization in the light of Government Order No. 27-F of 1997 dated 14.01.1997 read with SRO 64 of 1994.

02.The counsel for the petitioners submitted that the foundation of the relief as adjudicated by the learned CAT was Government Order No. 27-F of 1997 dated 14.01.1997 and that, once the respondent had not completed seven years of continuous service because of the migration and other factors, he would not be entitled to the benefit of Government Order dated 14.01.1997. The counsel for the petitioners sought to demonstrate, with the help of SRO 64 of 1994 as well as Government Order dated 14.01.1997, that the completion of seven years before 14.01.1994 was essential for consideration of regularization.

03.The counsel for the respondent, however, has focused on paragraph No. 2 of Government Order dated 14.01.1997 and submitted that the condition of 01.04.1994 was not emanating from paragraph 2 of such order, which requires consideration after completion of seven years for the Daily Rated Workers (migrants) who had not completed seven years of continuous service from the date of their migration, but were re-engaged by the same department. The paragraph 2 reads as follows:-

“Daily Rated Workers/work charge employees(migrants) who had not completed seven years of continuous service on the date of their migration from the valley but have been re-engaged/re-deployed in the same department after breaks beyond admissible limit and are continuously working as such in the same department, may regularized from 1st April of the subsequent year(s) provided that they have completed the prescribed continuous working of seven years or more before 31st March of the preceding year without taking into account the break from the date of migration till the date of re-engagement/re-deployment in same department for computation or seven years continuous working.”

04.The learned CAT has considered these averments and passed the order allowing the relief to the respondent while reading down SRO 64 of 1994 along with Government Order No. 27-F of 1997 dated 14.01.1997. On a plain reading of SRO 64 of 1994, there comes out a scheme of regularization which was to be implemented and peculiar circumstances of migration and the same was further clarified on 14.01.1997. This Court finds that the learned CAT was right in appreciating that the Government Order dated 14.01.1997 did not create any embargo of the date which was 01.04.1994 in the first paragraph, but the same was not in the second paragraph and completion of seven years on a particular date was rightly sufficient to render the employee in question eligible for regularization.

05.This Court is convinced that the finding of the learned CAT is correct in terms of SRO 64 of 1994 read with Government Order No.27-F of 1997 dated 14.01.1997 as the scheme of regularization in the peculiar circumstances of migration is not only justified but was the requirement of the times and once such beneficial scheme does not create any embargo or impediment to the same having been given effect to then there is no reason to take a different view other than the one taken by the learned CAT.

06.The only aspect which, at this juncture, the counsel for the respondent has pointed out that the learned CAT has allowed the petition but has directed regularization within a period of two months from the date of receipt of copy of the order, but has not actually stipulated the date from when the regularization shall take effect.

07. This Court is conscious of the fact that the learned CAT has allowed the petition and we are upholding the same for the aforesaid reasons and, therefore, while maintaining the direction given by the learned CAT for passing final order of regularization, we direct that the regularization shall take effect from the date when the respondent would have completed seven years in the preceding April and would be regularized from 1st April of the subsequent year when he would have completed seven years to be counted from 05.07.1985 while excluding the time when the migration rendered him non-available for the Daily Rated job. Thus, the petitioners shall regularize the services of the respondent and extend to him all consequential benefits within a period of three months from today.

08. The present petition stands disposed of in the above terms.

(Sindhu Sharma)
Judge

(Dr. Pushpendra Singh Bhati)
Chief Justice

Jammu:
30.09.2026
AMIT