

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA No. 329/2025 c/w
LPA No.285/2025

Reserved on: 13.08.2026
Pronounced on: 27 .08.2026
Uploaded on: 29 .08.2026

Whether the operative part or full
judgment is pronounced:Full

Nazir Ahmad Bhat & ors
Nazir Ahmad Bhat & ors

Appellants

Through: - Mr. Sheikh Mushtaq Advocate
Mr. Syed Uzair Shah Advocate.

vs

UT of J&K and ors
UT of J&K and ors

...Respondent(s)

Through: - Mr. Shahbaz Sikander AAG for R-1 to 6

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

JUDGMENT

Chief Justice (A)

1 These intra-Court appeals are directed against a common order and judgment dated 31.10.2025 passed by a learned Single Judge of this Court (hereinafter referred to as “the writ Court”) in WP(C) Nos. 1415/2023 and 411/2024, whereby the writ petitions filed by the appellants have been dismissed.

2 The writ Court, upon consideration of the pleadings and the material placed on record, particularly the report of the Inquiry Committee constituted by the respondents, found that the appellants have failed to

establish any enforceable right to seek their inclusion in the list of PDLs/TDLs for consideration of their cases for regularisation under SRO 520 of 2017. Aggrieved, the appellants have preferred the present appeals.

3 The case set up by the appellants in WP(C) No. 1415/2023 is that they have been engaged as daily rated workers between the years 2012 and 2015, i.e. prior to the imposition of ban on fresh engagement of daily wagers with effect from 17.03.2015. According to the appellants, their names have figured in some earlier lists prepared by the department, but have been subsequently excluded from the list of 472 PDLs/TDLs prepared for consideration of regularisation under SRO 520 of 2017. It is further alleged that, in their place, names of 37 other persons have been included in the said list.

4 In WP(C) No. 411/2024, the appellants also called in question the tentative list of PDLs/TDLs of District Ganderbal/Bandipora, dated 23.12.2023, to the extent that their names had been excluded and the names of the private respondents had been included therein. Accordingly, they sought a direction for inclusion of their names in the said list and for consideration of their cases for regularization.

5 Learned counsel appearing for the appellants would submit that the appellants have been engaged prior to the cut-off date of 17.03.2015 and have continuously rendered their services in the respondent-department. It is contended that their names have appeared in the earlier departmental lists and, therefore, their subsequent exclusion from the list of 472 workers is arbitrary and discriminatory. It is further submitted that the appellants could not have been denied consideration for regularization merely because their names have been subsequently deleted from the departmental list. According to the

learned counsel, the inclusion of 37 other persons and the simultaneous exclusion of the appellants is, in itself, indicative of discriminatory treatment meted out to them by the respondents.

6 *Per contra*, learned counsel appearing for the respondents would support the judgment of the writ Court. It is submitted that the appellants have failed to place on record any material to establish that they were engaged prior to 17.03.2015 or that they were borne on the muster rolls of the concerned Division/Sub-Division. Learned counsel would further submit that the appellants were need based and engaged only as and when their services were required, and were paid wages only for the period during which they actually worked. Upon verification of the departmental records, their names have not been found in the relevant muster rolls or regular wage lists. It has also been found that their CVs have been prepared after the cut-off date. It is submitted that the Managing Director constituted an Inquiry Committee to undertake an in-depth verification of the entire matter. The Committee examined the relevant records and found that 128 persons, including the appellants, are not borne on the regular wage lists/muster rolls and that their CVs had been prepared after imposition of the ban on fresh engagement of daily wagers with effect from 17.03.2015 .

7 Having heard learned counsel for the parties and perused the record, the question that arises for our consideration is whether the appellants have succeeded in establishing that they have, in fact, been engaged as daily rated workers prior to 17.03.2015 and, consequently, are entitled to consideration of their cases for regularisation under SRO 520 of 2017. In our considered view, the answer has to be in the negative.

8 There is no dispute that, vide Government Order No. 43-F of 2015 dated 17.03.2015, the Government imposed a ban on the fresh engagement of daily-wage workers, with effect from the date of issuance of the said Government Order. Consequently, a person claiming the benefit of the regularization policy is required, in the first instance, to establish that his engagement has been made prior to the said cut-off date. In the present case, the appellants have not placed on record any engagement order or other relevant material showing that they have been engaged prior to 17.03.2015. They have also failed to demonstrate that their names appeared in the relevant muster rolls or regular wage lists for any period prior to the cut-off date. Mere inclusion of the names of the appellants in an earlier departmental list, by itself, cannot establish their engagement prior to 17.03.2015. Such a list was only a preliminary exercise and was subject to verification from the original departmental records. For this very purpose, the respondents constituted an Inquiry Committee. The Inquiry Committee examined the records of the concerned Division/Sub-Division and found that the appellants were not borne on the relevant regular wage lists/muster rolls and that their CVs had been prepared after imposition of the ban on fresh engagement of daily wagers. It is pertinent to mention here that the report of the Inquiry Committee has neither been objected to, nor otherwise assailed by the appellants before any forum/court. In the absence of any material to demonstrate that the findings recorded by the Committee are erroneous, perverse, or contrary to the record, there is no justification for disregarding or interfering with those findings.

9 We are conscious of the fact that muster rolls and other departmental records ordinarily remain in the custody of the department and may not be readily available to the employees. This, however, does not

dispense with the requirement of establishing the fact that the appellants have been engaged prior to the cut-off date. Once the respondents specifically disputed the appellants' claim of engagement before 17.03.2015, it is incumbent upon the appellants to place before the Court some reliable material in support of their claim.. No such material has been placed on record.

10. Had the appellants been engaged prior to 17.03.2015 and continued to render their services thereafter, some record relating to their engagement, attendance, or payment of wages would ordinarily have been available. However, the records, as verified by the Inquiry Committee, do not support the claim of the appellants.

11. We, therefore, find no merit in the contention of the appellants that their earlier inclusion created any right in their favour. A preliminary or provisional inclusion in a departmental list, by itself, cannot confer any right to regularisation when the requirement of engagement prior to the cut-off date remains un-established. The contention regarding the inclusion of 37 other persons also does not advance the case of the appellants. In order to claim parity, the appellants must first establish that they are similarly situated to the persons who were ultimately included in the final list. The respondents have explained that, upon verification, the persons included in the final list are found to have been engaged prior to the imposition of ban on fresh engagement of daily wagers with effect from 17.03.2015 .

12. We also find no merit in the contention that the respondents could not have prepared the subsequent list or tentative seniority list during the pendency of the appellants' claim. The entitlement of the appellants depended clearly upon their establishing that they have been engaged prior to 17.03.2015. Unless this fact is established, they cannot claim any right to be

included in the list or to consideration of their cases for regularization.. The entire claim of the appellants rests upon the assertion that they have been engaged prior to 17.03.2015. However, that assertion has not been established by any reliable material. On the contrary, the Inquiry Committee, after examining the relevant departmental records has recorded a finding against the appellants. The said finding has neither been shown to be perverse or arbitrary nor demonstrated to be contrary to the recor.In these circumstances, no mandamus could have been issued in favour of the appellants. The learned Writ Court is, therefore, justified in declining to exercise its extraordinary writ jurisdiction.

13. We find that the writ Court has considered the matter in its proper perspective and has committed no error of law or fact warranting interference by us in these intra-Court appeals.

14 For the foregoing reasons, we find no merit in these appeals. The common judgment 31.10.2025 passed by the writ Court in WP(C) Nos. 1415/2023 and 411/2024 is upheld. The appeals are, accordingly, dismissed, along with the connected CMs.

(MOHD. YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
CHIEF JUSTICE(A)

Srinagar
Sanjeev
27 .08.2026.

Whether the order is speaking: Yes
Whether the order is reportable: Yes/No