Sr. No. 9

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: WP(C) No. 3599/2026
CM(8041/2026)

UT of J&K and ors. …Petitioner (s)/Appellant(s)

Through: Ms. Monika Kohli, Sr. Advocate (Sr. AAG) with
Mr. Taqrez Haq, Advocate.

V/s

Rokhs John Alias Rakesh John. …. Respondent(s)

Through: Ms. Mandeep Kour, Advocate.

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
23.11.2026

(Oral)

01. The concise facts as noticed by this Court are that the respondent –Rokhs John alias Rakesh Johan, was initially engaged in December 1988 as Safai-karamchari (Sweeper) in the Department of the petitioners and was continuously discharging his duties.

02. Upon completing the seven years of uninterrupted service, the respondent became entitled for regularization. Aggrieved by the non –regularization of his services, the respondent approached this Court by filing a writ petition, being SWP No. 1206/2005 *(Rokhs John alias Rakesh John vs. State of J&K and ors.)*, seeking a direction for regularization of his services as Safai karamchari (Sweeper) from the date of completion of his seven years along with all consequential benefits. The writ petition was disposed on 12.02.2009 mandating regularization of the services of the respondent as Daily Rated Worker from the date he completed seven years of service. The aforesaid order was subsequently affirmed by the Division Bench in its

order dated 13.02.2012 whereby LPASW No. 41/2010 *(State of J&K & ors. Vs. Rokhs John alias Rakesh John)* was dismissed.

03. Vide order dated 06.03.2013, the Authorities effected compliance by engaging the respondent as a Daily Rated Worker, albeit prospectively rather than from the date of the learned Single Bench's ruling in the erstwhile litigation. The respondent approached the learned Central Administrative Tribunal, Jammu Bench, Jammu (for short **"the Tribunal"**) by way of Transfer Application No. 991/2020 (*Rokhs John alias Rakesh John vs. State of J&K and ors.).* The application has been allowed by the learned Tribunal and the respondent has been directed to be given the benefits of regularization as Daily Rated Worker with effect from 12.02.2009 from the date of judgment passed by the learned Single Bench in SWP No. 1206/2005. The consequential benefits were also granted though notional.

04. Learned Senior Counsel Ms. Monika Kohli contends that while continuous service since 1988 has been averred, the respondent did not remain in regular service, thereby precluding entitlement to regularization upon completing seven years of service. Ms. Monika Kohli further submits that the decision to regularize his services from 2013 was in accordance with law and did not call for any retrospective benefit, because the respondent's completion of the mandatory period for regularization arose from the number of years of services discharged. Learned Senior Counsel further submits that if any retrospective benefit was to be granted, the regular service of the respondent ought to have been taken into consideration, and any order granting such retrospective benefit was not in accordance with law.

05. Conversely, learned counsel for the respondent contends that the respondent's rights stood crystallized upon the institution of SWP No. 1206/2005 and an order was passed to consider the respondent for regularization as and when he completes seven years, taking into account the continuous service and also declaring that since he was in continuous services, he should be given appointment.

06. Upon careful consideration, this Court observes that although the instant matter pertains to regularization but the facts have to be taken in a comprehensive and consolidated manner which indicate that the respondent joined the services in December 1988 and ought to have been regularized, however, petition for regularization was preferred in the year 2005 and the same was allowed with a direction for regularization of his services while considering him in continuous service from the date he completes seven years of service. The order dated 12.02.2009 was further fortified by the Division Bench of this Court in its order dated 13.02.2012 while dismissing the appeal. And, thus, the regularization was an outcome which should have been granted in accordance with that order.

07. This Court finds that the learned Tribunal rightly observed that if the dismissal order passed by the Division Bench in favour of the respondent, had been taken into account, regularization ought to have been granted at least from the date of the learned Single Bench's order, i.e., 12.02.2009. The petitioners ought to have taken care of the Division Bench's order and thus, by themselves should have regularized the services of the respondent in the right perspective in compliance of the said order. However, the learned CAT has put quietus to the controversy in question and rightly so.

08. This Court need not revisit the issue, as it was already decided in 2009 and the Division Bench had already contemplated the regularization and positive orders were granted, which ought to have been complied with by the petitioners in right perspective.

Hence, no interference is called for. The petition is, thus, dismissed.

(WASIM SADIQ NARGAL) JUDGE

(DR. PUSHPENDRA SINGH BHATI) CHIEF JUSTICE

Jammu
23.11.2026
Sunita

SUNITA KOUL
2026.11.25 10:07
I attest to the accuracy and
integrity of this document

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