Sr. No. 71

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP (C) No. 3519/2025

Date of pronouncement: 27.10.2026
Date of uploading: 28.10.2026

U. T. of J&K & Ors. …..Appellant(s)/Petitioner(s)

Through: Mr. P. D. Singh, Dy. AG vice
Mr. Raman Sharma, AAG

Vs

Rattan Chand ….. Respondent(s)

Through: Ms. Surinder Kour, Sr. Advocate with
Mr. Michael Singh Dogra, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER (ORAL)
27.10.2026

Sanjeev Kumar 'J'

1. Impugned in this petition, filed under Article 226 of the Constitution of India, is an order and judgment dated 08.07.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu **["the Tribunal"]**, in TA No. 152/2023 titled *"Rattan Chand vs. U. T. of J&K & Ors."*, whereby the Tribunal has allowed the petition of the respondent and held him entitled to regularization as Safaiwala in the Department of Health, District Cadre, Udhampur, with effect from 11.05.1988, i.e., the day when he was initially engaged as such. The regularization has been directed to be made strictly in terms of Jammu and Kashmir Civil Services (Special Provisions) Act, 2010 and the applicable rules. There are some allied directions also issued by the Tribunal in the judgment impugned.

2. The impugned judgment is called in question by the petitioners on the ground that in view of the judgment rendered by the Full Bench of this Court in LPA No. 70/2022 titled *"Union Territory of Jammu and Kashmir vs. Neeru Pandita"* decided on 11.08.2026, the respondent could not have been held entitled to regularization from any date prior to the date of commencement of the Act of 2010, i.e., 29.04.2010.

3. Learned Senior counsel appearing for the respondent does not seriously dispute the legal position on this aspect.

4. Having heard learned counsel for the parties and perused the material available on record, this Court is of the considered opinion that the judgment impugned, passed by the Tribunal, deserves to be modified.

5. Admittedly, the respondent was engaged as Safaiwala on consolidated basis against an available vacancy and therefore, had to his credit more than seven years of service on the commencement of the Act of 2010.

6. In view of the law laid down by the Full Bench of this Court in case of Neeru Pandita (supra), an employee engaged on *ad hoc,* contractual, or consolidated basis is entitled to be regularized from the appointed date, i.e., 29.04.2010 if such employee has completed seven years or more of service on the said date. In the instant case, the respondent was having more than seven years of service on the appointed date and therefore, was to be regularized with effect from the appointed date, i.e., 29.04.2010. The direction of the Tribunal to give him the benefit of regularization since 11.05.1988 is, therefore, erroneous and contrary to the legal position settled in Neeru Pandita (supra).

7. In view of the aforesaid, this petition is partially ***allowed***. The impugned judgment is modified and the respondents are directed to give the benefit of regularization to the respondent with effect from 29.04.2010, along with all consequential benefits thereto.

8. The judgment of the writ Court is, accordingly, modified to the aforesaid extent.

9. ***Disposed of.***

(M A Chowdhary)
Judge

(Sanjeev Kumar)
Judge

Jammu
27.10.2026
Nikhil

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Whether the order is reportable?: Yes/No

Whether the order is speaking?: Yes/No