
(2002) 10 J&K CK 0011
In the Jammu And Kashmir High Court
Case No : LPA No. 175 of 1999

Ab. Rehman Reshi

APPELLANT

Vs

State of Jammu & Kashmir

RESPONDENT

Date of Decision : 29-10-2002

Acts Referred:

Citation : (2010) 4 JKJ 142

Hon'ble Judges : T.S. Doabia, J;B. L. Bhat, J

Bench : Division Bench

Final Decision : Allowed

Judgement

T.S. Doabia, J.—The appellant submits that he was performing the duties of Works Supervisor and should have been regularized as such. It

is submitted even though he was working as Works Supervisor, he came to be regularized as Helper. The fact that the appellant was supposed to

perform the duties of Works Supervisor on daily wage basis, was noticed by the learned Single Judge. This is so noticed in the opening para of the

judgment. For facility of reference, this paragraph is reproduced below:-

The petitioner got engaged on 1st of December 1988 as a Casual Worker on daily wage basis. This was done by the competent authority of the

department of Public Works. District Budgam. The District Superintending Engineer, PWD. District Budgam directed, vide his No. 7665-66

dated: 28-09-1988, the petitioner to work as a Works Supervisor on daily wage basis.

2. As indicated above, the appellant/writ petitioner, came to be regularized as a helper. He came to this Court. He wanted to be regularized as

Works Supervisor. This plea of his stands rejected. He has preferred this appeal.

3. Learned counsel for the appellant placed reliance on a decision given by the Division Bench of this Court in case State of J&K and ors. v.

Muzaffar Mehraj (LPA No. 203/1996) decided on 15-12-1997. It is urged that where a person has continuously performed the duties on a higher

assignment, for more than a decade, then he is entitled to seek regularization against the said post. There is a merit in the argument. As a matter of

fact, in the similar circumstances, a person who was working as Guage Reader and had continuously worked on the post for more than a decade

was held entitled to regularization against the said post of Guage Reader. This case is reported as Wali Ahmad v. State of Bihar (1999 SCC L&S

734). The Supreme Court of India had observed that where a person has continued to work on a higher post for a long time, then he should have

been regularized against that post.

4. The view expressed by the Supreme Court of India in the above referred case, is fully applicable. The appeal is accordingly, allowed and the

appellant is held entitled to be regularized against the post of Works Supervisor. Let he be so regularized and given benefits of this post. Monetary

benefits would be given three years prior to the filing of the writ petition. These would be calculated and given to him within a period of three

months from the date copy of this judgment is made available by the appellants to the respondents. In case monetary benefits are not given within

the period, the appellant would be held entitled to the interest at the rate of 12% payable to the Officer on whose part remissness is caused in

complying with the direction of this court.

Disposed of as such.