
(2020) 02 J&K CK 0068

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No. 2524 Of 2018, IA No. 1 Of 2018

Adnan Wani And Ors

APPELLANT

Vs

State Of Jk And Ors

RESPONDENT

Date of Decision : 25-02-2020

Acts Referred:

Citation : (2020) 02 J&K CK 0068

Hon'ble Judges : Ali Mohammad Magrey, J;Tashi Rabstan, J

Bench : Division Bench

Advocate : Salih Pirzada, B.A. Dar, J.A. Kawoosa

Final Decision : Disposed Of

Judgement

Magrey, J

1. When this matter was taken up for consideration, Mr. Kawoosa, learned counsel appearing for the High Court, sought permission of this Court to place on record Order No. 1444 dated 25.02.2020.

2. Permission granted. Order taken on record.

3. Perusal of the order aforesaid reveals that on the recommendations of the Committee for Appointment and Promotion of Officials/Officers of the

High Court Staff, as approved by Honâ??ble the Chief Justice, the services of the Adhoc orderlies stand regularized with effect from the dates

shown against each in the column of regularization, on having completed their seven yearâ??s service in pay scale of Rs. 4440-7440+GP 1300(PR)

revised Level SL-1 (Rs.14800-47100) against the eight supernumerary posts created by the Government vide order No. 236-JK(LD) 2019 dated

16.12.2019.

4. In terms of order dated 24.12.2019, this Court, on perusal of Government Order No. 236-JK-(LD) of 2019 dated 16.12.2019, directed the

Registrar General of the High Court to regularize the services of the petitioners notwithstanding condition No. (i) supra of the Government Order

referred to hereinabove.

5. We feel it necessary to take note of order passed by this Court on 24.12.2019:-

â??Respondents are stated to have submitted the compliance and a Government order No. 236-JK-(LD) of 2019 dated 16.12.2019 is placed

before us in this behalf.

We have perused the Government Order which reveals that eight additional posts of Orderlies have been created in the High Court of

Jammu and Kashmir. The order has been issued subject to the following conditions:-

i.â??These posts shall be used exclusively for regularization of such orderlies whose cases are covered under the provisions of the Jammu

& Kashmir Civil Services (Special Provisions) Act, 2010 and recommended by the relevant Empowered Committee.

ii. The supernumerary posts so created shall cease to exist once the posts become available in the High Court of Jammu and Kashmir upon

retirement on superannuation or promotion or otherwise of any orderly in the High Court, either those regularized against the

supernumerary posts or serving on other posts.â??

The condition no. (i) supra incorporated in the Government Order referred to hereinbefore is not applicable to the High Court, therefore,

respondent no. 4 shall, notwithstanding the condition no. (i) of the Government Order supra, regularize the services of the petitioners and

place the compliance before us before the next date of hearing.â??

6. In compliance of the directions passed by this Court from time to time, with particular reference to order dated 24th of December, 2020, the

respondent No.4 has issued the order of regularization (supra) in favour of the petitioners.

7. Heard learned counsel for the parties, perused the records and considered the matter.

8. In view of the directions passed by this Court from time to time, the

settlement of the writ petition has become evident on the creation of the posts by the Government in terms of the Government Order (supra) as also the regularization order issued by respondent No. 4, therefore, we deem it necessary to allow the writ petition and dispose of the same on the following terms:

- I. Communication dated 10.07.2018, forming Annexure B to the writ petition, shall stand quashed;
 - II. Condition No. (i) of Government Order No.236-JK-(LD) of 2019 dated 16.12.2019, as taken note of in the order passed by this Court on 24.12.2019, is also quashed; and
 - III. Respondent No. 4 is directed to release all consequential benefits in favour of the petitioners as a sequel to their regularization including salary, increments, seniority, promotion, etc.
9. The writ petition is disposed of accordingly, alongwith all connected CMs.