

(2018) 02 J&K CK 0012
In the Jammu And Kashmir High Court
Case No : 157 of 2018

Mohammad Yousuf Bhat

APPELLANT

Vs

State of JK and others

RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 J&K CK 0012

Hon'ble Judges : Sanjeev Kumar

Bench : Single Bench

Advocate : I. A. Parray, B. A. Dar

Final Decision : Disposed Off

Judgement

1. The grievance projected by the petitioner in this petition is that he was engaged as Cook in the respondent department in the year 1991 and completed seven years of service in the year 1998, but his case for regularization has not been processed, whereas, other persons similarly circumstanced were given benefit of regularization under Daily Rate Workers-Work charged Employees (Regularization) Rules.1994 notified vide SRO 64 of 1994. He claims that he has filed the writ petition in this Court bearing SWP No. 1853/2010, which was disposed of on 05.06.2013 by directing the respondent no. 1 to ensure final decision on the regularization case of the petitioner within a period of six weeks from the date copy of the order is served on him. It appears that pursuant to the directions, the Government issued order being Government Order No. Home. 461(P) of 2015 dated 12.10.2015, whereby three posts of temporary Helpers were created, and petitioner was directed to be regularized against one of these three posts.

2. The grievance of the petitioner is that though the aforesaid order was issued in the year 2015 and he had completed all requisite formalities, no formal order of regularization was issued in his favour. He has drawn my attention to the communication of the Director General of Police issued to Sr. Superintendent of Police, District, Kulgam, in which, the Director General has directed the respondent no. 5 to issue formal order of regularization in favour of the petitioner, subject to his fulfilment of the conditions laid down in the SRO- 64 of 1994. In the aforesaid letter, the Director General of Police has observed the case of the petitioner has been found to be genuine and therefore needs immediate attention. This communication was issued on 13th February, 2016, but the formal order of regularization in his favour has not been issued so far.
3. Be that as it may, the fact remains that once the order of regularization has been made, it is for the respondents including respondent no. 5 to carry out that order in letter and spirit. It is in this background of the aforesaid facts, this petition, with the consent of the learned counsel for the parties, is admitted and taken up for final consideration.
4. Since the petitioner has been formally regularized vide Government Order No. Home. 461(P) of 2015 dated 12.10.2015, as such, it is for the respondent no. 5 to issue formal order of regularization. This is, however, subject to the petitioner fulfilling all the conditions laid down in the SRO 64 of 1994, if not already fulfilled. It is stated by the counsel for the petitioner that petitioner has since completed all the formalities, but still respondents are not issuing formal order of regularization in his favour.
5. In view of the aforesaid, this petition is disposed of by directing the respondent no. 5 to immediately and forthwith issue formal order of regularization in favour of the petitioner, subject to of course the petitioner fulfilling all the conditions, if not already fulfilled, as laid down in the SRO 64 of 1994 within a period of four weeks from the date certified copy of this order is made available to respondent no. 5. It is made clear that the appointment of the petitioner shall take effect from 01.04.1999 as has been indicated in the Government Order No. Home. 461(P) of 2015 dated 12.10.2015.
6. Disposed of as above alongwith connected MP(s).