

(2016) 03 J&K CK 0031
In the Jammu And Kashmir High Court
Case No : SWP No. 661 of 2003

Pritam Singh

APPELLANT

Vs

State of J&K

RESPONDENT

Date of Decision : 11-03-2016

Acts Referred:

Citation : (2016) 2 JKJ 769

Hon'ble Judges : Mr. N. Paul Vasanthakumar, CJ.

Bench : Single Bench

Advocate : Mr. P.S. Chandel, Dy. AG, for the Respondents; Mr. Nirmal Kotwal, Advocate, for the Appellants/Petitioner s

Final Decision : Disposed off

Judgement

Mr. N. Paul Vasanthakumar, C.J. - This writ petition is filed praying for issuance of mandamus directing the respondent Nos. 2 to 4 to

regularize the services of the petitioners who have completed their seven years as Daily Wager and allow them to continue their services against the

posts held by them for development of Forest pockets located in far flung areas of District Udhampur. The petitioner No. 1 was appointed from

01.11.1994, 2nd petitioner from 01.11.1993, 3rd petitioner from 10.12.1994, 4th petitioner from 01.02.1996 and 5th petitioner from

01.08.2000. Accordingly, petitioners are entitled to regularize their services under SRO 64 of 1994, as they have completed seven years services

as Daily Wager.

2. In the reply filed by the respondents, it is stated that petitioners were engaged as casual labourers for watch and ward of the plantation work in

I.W.D.P and the project was a time bound to which funds were provided by the

Centre Government. The petitioners were engaged for 1st phase work which was of 5 years from 1994 to 1998 and after completion of the work the services of the petitioners were not required. It is further stated in the reply that some of the petitioners were engaged in the year 1994 and thereafter have continued to work in 1st phase because the post project evaluation could not be completed, hence the petitioners continued to work up to the year 2000. Thereafter the Panchayat elections came in and the areas where the petitioners were working were to be handed over to the concerned panchayat in terms of the scheme of the project and the petitioners were disengaged with effect from 31.12.2001 and they are not working with the answering respondents.

3. Learned counsel for the petitioners relied on the Division Bench judgment reported in 2003 SLJ 475:2003 (4) JKJ 93 [HC] (Ashok Kumar v. State of J&K and Ors.) wherein it is held that even the employee who is engaged under a scheme can be adjusted in another suitable work if it is possible to do so. In this case even though the project was over and the scheme was handed over, the petitioners' claim was not considered for adjustment.

4. According to learned counsel appearing for the petitioners, petitioner Nos. 1 to 3 have completed seven years of services. As per the objections filed, all the petitioners have been disengaged from 31.12.2001. Thus, petitioner Nos. 1 to 3 are bound to be regularized and others are to be accommodated in other project.

5. Since the Division Bench observed that even an employees who are re-engaged under the scheme can be adjusted in suitable project, if it is possible to do so, this writ petition is disposed of by directing respondent Nos. 1 and 2 to consider the aspect in respect of re-engagement of the petitioner as watch and ward and consider regularization of petitioner Nos. 1 to 3 who have completed seven years of service from the date of engagement. The said exercised is directed to be completed and pass orders within a period of three months from the date of receipt of copy of this order. No costs.