

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CPSW No. 418/2016

Mohammad Shafi Rather and ors.

...Petitioner(s)

Through: Mr. M. M. Dar, Advocate

Vs

Mr. Rohit Kansal and Ors.

...Respondent(s)

Through: Mr. Faheem Shah, GA vice
Mr. M. A. Chashoo, AAG

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

31.08.2022

Statement of facts/compliance report has been filed on behalf of respondent No.2 which is not in tune with the judgment passed by this Court on 04.09.2015 in SWP 385/2001 whereby respondents were directed to treat petitioners as daily rated workers and regularize their services and to release the withheld wages also.

In the statement of facts in para 6 it has been stated that the Administrative Department (PWD) vide OM No. PWD-LIT/367/2022-05 dated 10.08.2022 has taken up the matter with the Finance Department for further necessary action in the matter, however, regularization scheme under SRO 64 of 1994 in vogue in the Union Territory of Jammu and Kashmir is under Administrative Scrutiny for its constitutional validity.

Respondent No.2 was directed to treat petitioners as daily rated workers and regularize their services and also to release the withheld wages. Nowhere in the statement of facts it has been referred that the judgment of this court has been complied with. Neither the petitioners have been treated as daily rated workers nor their services have been regularized. Judgment was passed in 2015 and at that point of time SRO 64 of 1994 was in vogue

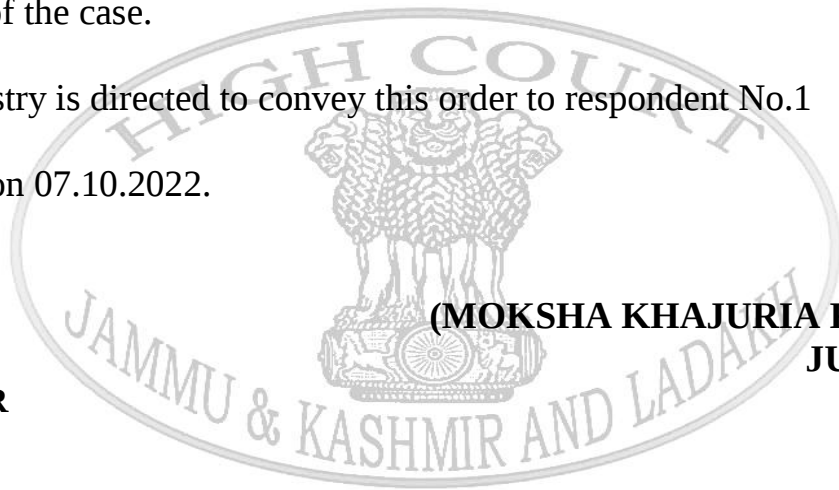
and respondents have already regularized the services of many daily rated workers in terms of SRO 64 of 1994.

Mr. Faheem Shah, learned GA, vice Mr. M. A. Chashoo, learned AAG, seeks and is granted last and final opportunity of four weeks' for filing compliance report strictly in consonance with the judgment passed by this Court on 04.09.2015 failing which, respondent No.2 Chief Engineer, PWD (R&B), Kashmir Division, Srinagar, shall appear in person along with the record of the case.

Registry is directed to convey this order to respondent No.1

List on 07.10.2022.

SRINAGAR
31.08.2022
AADIL



(MOKSHA KHAJURIA KAZMI)
JUDGE