



Sr. No. 55

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 280/2026
CAV No. 275/2026

UT of J&K and others

.... Petitioner/Appellant(s)

Through:- Mr. Raman Sharma, AAG

V/s

Savita Devi Sharma

.....Respondent(s)

Through:- Mr. Anuj Malhotra, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

11.02.2026

1. Impugned in this petition filed by the petitioners under Article 226 of the Constitution of India is an order dated 10.02.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in OA No. 61/1524/2023 titled “Savita Devi Sharma Vs. Union Territory of J&K and others”, whereby OA filed by the respondent herein has been allowed and while quashing Government Order No. 289-RD&PR of 2022 dated 17.10.2022, a direction has been issued to the petitioners herein to regularize the services of the respondent in accordance with SRO-64 of 1994 and issue appropriate orders within 8 weeks. The respondent has also been held entitled to all consequential benefits, including wage arrears beginning with the date she qualified for said regularization as per SRO-64 and ending with the date of issuance of regularization order. The Tribunal has further



provided that in case the respondent has retired, she would be entitled to pensionary benefits under rules.

2. The facts leading to filing of this petition are that the respondent, having prescribed qualification in grade of Stenography, came to be engaged as Daily Rated Worker in the Rural Development Department on 12.04.1990 and was allowed to continue for decades together. The case of the respondent was submitted by the petitioners to the competent authority for regularization of her services on 10.02.2016. When the regularization did not happen, the respondent along with a similarly situated candidate, namely, Surinder Kour, filed SWP No. 1825/2016, which was disposed of by this Court vide order dated 05.09.2016, with a direction to the petitioners to finalize the case of the respondent herein and Surinder Kour for their regularization in terms of the Rules and take an appropriate decision without any delay.
3. It seems that order dated 05.09.2016 was complied with in respect of Surinder Kour, but no decision was taken with regard to the respondent herein.
4. Feeling aggrieved, of inaction on the part of the petitioners, the respondent filed OA No. 61/289/2022, which was disposed of by the Tribunal vide order dated 31.03.2022, directing the petitioners herein to consider the case of the respondent for regularization of her services as per the provisions of SRO-64 of 1994 by passing a reasoned and speaking order.
5. In compliance with the directions issued by the Tribunal, the petitioners vide Government Order No. 289-RD&PR of 2022 dated 17.10.2022, rejected the claim of the respondent for her regularization



in terms of SRO-64 of 1994 primarily on the ground that the respondent was a casual labourer and not a daily wager and, therefore, did not qualify for regularization under SRO-64 of 1994. It is this Government order rejecting the claim of the respondent, which was called in question by the respondent in OA No. 61/1524/2023, which has been allowed by the Tribunal in terms of the order impugned in this petition.

6. The Tribunal has returned a finding that the respondent, who was appointed on 12.04.1990 and has continued without any break for decades, cannot be treated as a casual labourer and, therefore, denied the benefit of SRO-64 of 1994.
7. The issue as to whether an employee appointed on daily wage basis continuously for many years can be treated as a casual labourer so as to deny the benefit of SRO-64 of 1994 has been considered by this Court in “**State of J&K and others Vs. Mushtaq Ahmed Sohail and others**”, 2013 SLJ 74, and the issue is no longer *res integra*.
8. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the view taken by the Tribunal in the matter is unexceptional and, therefore, there is hardly any scope in this petition to interfere with the judgment impugned passed by the Tribunal.
9. It has already been authoritatively laid down by a Division Bench of this Court in **Mushtaq Ahmed Sohail (supra)** that it is not the nomenclature but the substance of the appointment that would determine as to whether a particular person is a casual labourer/worker or a daily rated worker. A person, who has been allowed to continue



for years together continuously and on full-time basis, cannot, by any stretch of reasoning, be treated as a casual labourer so as to deny him the benefit of regularization envisaged for daily rated workers in SRO-64 of 1994. Without reiterating the settled legal position, suffice it to say that the decision of the Tribunal is in full accord with the settled legal position and, therefore, does not call for any interference by this Court.

10. For all these reasons, we find no merit in this petition and the same is accordingly dismissed.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu:
11.02.2026
Shafqat

