

Regular List
Serial No. 48

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CPSW No. 108/2019
c/w
CCP(S) No. 227/2020

Shamim Akhter

.....Petitioner(s)

Through: Mr. Sachin Gupta, Advocate.

Vs

Rehana Batool

.....Respondent(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Assisting Counsel.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
ORDER
(13.02.2026)

CCP(S) No. 227/2020

01. The respondents have filed fresh compliance report, wherein it has been indicated that case of the petitioner has been considered and rejected in terms of consideration order dated 16.12.2025, a copy whereof has been placed on record.

02. As per the order of the writ court, the respondents were directed to consider the claim of the petitioner for regularization in the light of the position noted in the said order. It was noted by the writ court that petitioner claims to have been engaged as Casual Labourer in the year 1990 and on that basis he is projecting his case for regularization of service. It was also noted by the writ court

that the petitioner had contended that certain persons who have been engaged after the petitioner, stand regularized by the respondents. In the light of these submissions of the petitioner, the respondents were asked to consider the case of the petitioner in accordance with the law and the rules holding the field at the relevant time.

03. It seems that at one stage the case of the petitioner was examined by the respondents at various levels in the light of provisions contained in SRO-64 which was in vogue at the relevant time. In fact, the Empowered Committee directed creation of a post of Helper for the purpose of regularizing the services of the petitioner. However, there was an issue with regard to the qualification of the petitioner as he had not passed the Matric Examination as a result whereof the matter was again sent to the competent authority for grant of relaxation. It is at this stage that the respondents instead of considering case of petitioner for grant of relaxation in qualification etc., they came up with the plea that regularization scheme being violative of Articles 14 and 16 of the Constitution of India is under review. The fresh consideration order passed by the respondents goes on to state that regularization of daily rated worker is a policy decision and it cannot be done without a decision in this regard from the Government.

04. As already indicated the respondents had to consider the case of petitioner for regularization of his services in the light of the rules and guidelines holding the field when the said direction was passed. The review or revocation of those rules and guidelines subsequently will not have any effect upon the case of the petitioner. The respondents have to accord consideration to the case of the petitioner on the basis of the rules and guidelines that were in vogue at the time when the order was passed by the writ court. Therefore, consideration order dated 16.12.2025 passed by respondents cannot be accepted.

05. Accordingly, a fresh consideration order is directed to be passed and a copy thereof shall be produced before this Court on next date of hearing, failing which coercive measures shall follow.

06. List on **10.03.2026**.

CPSW No. 108/2019

07. List as above.

(SANJAY DHAR)
JUDGE

JAMMU
13.02.2026

Bunty