

Government of Jammu and Kashmir  
Forest, Ecology & Environment Department  
Civil Secretariat, Srinagar/Jammu

**Subject: -** Regularization Order of Shri Ghulam Nabi Bhat S/O Khazir Mohammad Bhat R/O Bomai, Sopore, District Baramulla in compliance with the order dated 21.09.2023 passed by the Hon'ble Court in CCP(D) No. 34/2022.

**Reference: -** (i) Consideration order issued vide G.O. No. 179-JK (FST) of 2023 dated 15.09.2023.  
(ii) Order dated 21.09.2023 passed by the Hon'ble Court in CCP(D) No. 34/2022.  
(iii) Advice tendered by the Department of Law, J & PA vide Note dated 21.09.2023 in c-file No. 218488.

**Government Order No: 181-JK (FST) of 2023**

**Dated: 22 .09.2023**

*Whereas*, Shri Ghulam Nabi Bhat S/O Khazir Mohammad Bhat R/O Bomai, Sopore, District Baramulla had approached the Hon'ble Court through the medium of writ petition numbered as SWP No. 2858/2015, which came to be disposed of by the Hon'ble High Court of Jammu & Kashmir vide its order dated 04.04.2017, operative part whereof reads as under: -

*"...This petition is disposed of with a direction to respondent to determine the eligibility of petitioner under SRO 64 of 1994 and pass orders within six weeks from today."*

2. *Whereas*, the above-named petitioner had filed a contempt petition that was numbered as CPSW No. 583/2017, wherein the Hon'ble High Court of Jammu & Kashmir was pleased to pass, *inter alia*, an order dated 03.09.2019, operative part whereof reads as under: -

*"...Before proceeding further, the Court feels it necessary to give one more opportunity to the respondents for considering the matter for regularization of services of the petitioner in tune with the mandate of*



*judgment of Division Bench (supra) and provisions of SRO 64 of 1994... ”;*

3. *Whereas*, against the aforesaid order dated 03.09.2019, the department had preferred an appeal that was numbered as LPA No. 112/2020 titled Union Territory of J&K and others Vs. Ghulam Nabi Bhat, which came to be disposed of by the Hon’ble Court High Court of Jammu & Kashmir & Ladakh vide its order dated 01.06.2022, operative part whereof reads as under: -

*“...Accordingly, we do not find any substance in this appeal and the same is dismissed with the direction to the appellants to accord consideration to regularization case of Shri Ghulam Nabi Bhat as directed vide order dated 04.04.2017, keeping in mind case law on the subject... ”;*

4. *Whereas*, the petitioner preferred a Contempt Petition No. CCP (D) No. 34/2022 in LPA No. 112/2020. A consideration Order dated 12.12.2022 was issued by the Department, rejecting the claim of the petitioner. However, by order dated 01.02.2023, the Hon’ble High Court rejected this consideration Order.
5. *Whereas*, subsequently several orders were passed by the Hon’ble High Court from time to time and on 21.8.2023 it was *inter alia* directed to “produce the copy of the order with regard to the regularization of service of the appellant in strict compliance to the Judgment in its entirety... .” The contempt petition was next listed on 11.9.2023 when it was directed to comply with the orders passed by the Hon’ble High Court. The next date of hearing was fixed for 18.9.2023.
6. *Whereas*, thereafter, with a view to regularize the petitioner and in terms of the directions of the Hon’ble High Court, the petitioner’s case was thoroughly examined to determine his eligibility under the under the provisions rule 4 of SRO 64 of 1994.

7. *And whereas*, while considering his case, inter-alia, for the first time on 5/6-9-2023, the Matric and 10+2 examination Certificates furnished by the petitioner in support of his application were got verified from the Jammu & Kashmir Board of School Education (J&K BOSE). In terms of the response received from J&K BOSE No. F((JSE-KD.)B/2023 dated 12.09.2023, it was, inter-alia, found that (a) the petitioner was attending school as a *regular candidate*, contemporaneously and at the same time when he claimed to have been engaged by the department as a casual laborer from 1st Sept 1993, (b) He was also found underage at the time when he claimed to have been initially engaged. His case was, thus, found ineligible for regularization, being in contravention of eligibility conditions prescribed in rule 4 of SRO 64 of 1994. Consequently, after detailed consideration and for reasons mentioned in the consideration Order (Government Order. No. 179-JK (FST) of 2023) dated 15.09.2023, his claim for regularization was rejected on merits.

8. *Whereas*, based on the aforesaid consideration order, compliance report was filed before the Hon'ble Division Bench on 15.09.2023 informing the Hon'ble Court that the petitioner's claim has been rejected;

9. *And Whereas*, the matter was thereafter heard by the Hon'ble Division Bench on 18.09.2023 and on 20.09.2023, whereafter, the matter was posted for orders on 21.09.2023;

10. *Whereas*, by order dated 21.09.2023, the Hon'ble Division Bench, was pleased to hold the contemnors to be in brazen contempt of the order dated 1/6/2022, and directed that the petitioner be regularized in the following terms:

*"...27. Thus, on the basis of what has been argued before us, considered, and held as hereinabove, the Contemnors are held by us as being guilty of brazen contempt for the order passed by this Court in LPA No.112/2020 dated 01/06/2022. However, if order to give an opportunity to the contemnors to avail the locus*



*poenitentiae and purge themselves of the contempt we give an opportunity to the contemnors to issue the formal order of regularization of the Petitioner.*

*28. List this case on 22/09/23 on top of the list for compliance and further orders, if need be."*

11. Now, therefore, in deference to the aforesaid order dated 21.09.2023 passed by the Hon'ble High Court in CCP (D) No. 34/2022, in LPA No. 112/2020, directing that a formal order of regularization be issued to the petitioner, the services of Shri Ghulam Nabi Bhat (Casual Labour) S/O Khazir Mohammad Bhat R/O Bomai, Sopore, District Baramulla, presently working in Kamraj Forest Division, District Kupwara are hereby regularized as Helper under SRO 64 of 1994.

This order is without prejudice to the rights and contentions available under law.

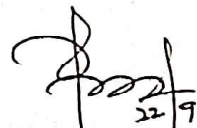
Sd/  
(Dheeraj Gupta) IAS  
Principal Secretary to the Government

Dated: - 22.09.2023

No: - FST-Lit/92/2022-02

Copy to the: -

1. Pr. Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Commissioner Secretary to Government, General Administration Department, J&K.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Secretary to the Government, Department of Law, J & PA, J&K.
5. Pr. Chief Conservator of Forests (HoFF), J&K.
6. Director, Archives, Archaeology and Museums, J&K.
7. Pvt. Secretary to Chief Secretary, J&K.
8. Pvt. Secretary to Principal Secretary to the Government, Forest, Ecology & Environment Department.
9. Government Order file (w.2.s.c.)/Stock file/In-charge Website.

  
(Mohammad Arshad Jan)  
Under Secretary to the Government