

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

Subject: - Consideration of the claim of Shri Mohan Lal S/O Paras Ram R/O Village Jajali, Tehsil and District Ramban, for grant of retrospective effect to the regularization of his services in compliance with the order dated 17.04.2012 passed by the Hon'ble Court in SWP No. 1475/2010 titled Mohan Lal Vs. State of J&K and others.

Reference: - (i) U.O. No. FD-Code/29/2022-02-1609 dated 12.09.2023 received from the Finance Department.

(ii) U.O. No. GAD-CORD/64/2023-09 dated 01.11.2023 received from the General Administration Department.

**Government Order No: 216 -FST of 2023**

**Dated: 3.11.2023**

*Whereas*, Shri Mohan Lal S/O Paras Ram R/O Village Jajali, Tehsil and District Ramban (hereinafter referred to as 'petitioner') had filed a writ petition that was numbered SWP No. 1475/2010 titled Mohan Lal Vs. State of J&K and others, and had sought direction upon the respondent department, for regularization of his services. The writ petition (supra) came to be disposed of by the Hon'ble Court vide its order dated 17.04.2012, operative part whereof reads as under: -

*"...This petition is accordingly allowed. A direction shall be issued to respondent No. 1 to consider the petitioner's case and pass appropriate orders thereon within eight weeks for his regularization in Government service with effect from the date he became entitled thereto keeping in view the fact that persons junior to him were regularized more than four years ago..."*;

2. *Whereas*, notwithstanding the fact that the petitioner's case for regularization under SRO 64 of 1994 was not cleared by the Empowered Committee in the Finance Department, however, in compliance with the aforesaid judgment

dated 07.04.2012 passed by the Hon'ble Court which had assumed finality, read with the order dated 29.05.2014 passed by the Hon'ble Court in contempt No. 217/2012 titled Mohan Lal Vs Mohammad Afzal Bhat and another, the petitioner was regularized as Helper vide G.O. No. 224-FST/2017 dated 15.09.2017, in relaxation of rules, on the basis of a Cabinet Decision, in compliance with the aforesaid direction of the Hon'ble Court;

3. *Whereas*, based on G.O. (supra), a compliance report was filed before the Hon'ble Court. However, this Hon'ble Court was pleased to pass an order dated 25.02.2019, which reads as under: -

*"The respondents have filed the latest compliance report and have also placed on record a copy of the order dated 15.09.2017 whereby the services of the petitioner have been regularized. Learned counsel for the petitioner, however, submits that the petitioner was entitled to be regularized w.e.f the date the juniors to him i.e., Mohd Zaffar and Mohd Tariq were so regularized. It is submitted that the directions in this regard were specific and categoric, but the respondents have not taken note of the aforesaid aspect of the matter. Faced with the aforesaid situation, learned counsel for the respondents submits that he may be given some reasonable time to verify the aforesaid position and if necessary to come up a corrigendum to the aforesaid order dated 15.09.2017 so that the judgment passed by this Court on 17.04.2012 in SWP No. 1475/2010 is complied with. Learned counsel for the respondents also raised a plea that the post, at the relevant time, was not available and the same was specifically created for the petitioner to regularize his services and also to comply with the order passed by this Court on 17.04.2012. The said plea of learned counsel for the respondents is without any substance. As per the provisions of SRO 64 OF 1994, the Government was under an obligation to create the posts equal in number the daily wagers who had attained the eligibility to be regularized in terms thereof. If, at the relevant point of time when the petitioner was eligible, the post was not created, the petitioner cannot be blamed for the aforesaid omission of the respondents. Be that as it may, on request of learned counsel for the respondents, four weeks' further time is granted to the respondents to come up with full compliance of the directions issued by this Court on 17.04.2012..."*

4. **Whereas**, keeping in view the aforesaid order dated 25.02.2019, followed by various adverse orders passed by the Hon'ble Court from time to time, the claim of the petitioner regarding grant of retrospective effect to the regularization of his services was considered and rejected vide G.O. No. 29-JK (FST) of 2020 dated 14.02.2020, on the ground that the petitioner, being casual labour, was regularized, in relaxation of rules, in compliance with the direction of the Hon'ble Court and, therefore, does not merit to be granted any further relaxation, which was, however, not accepted by the Hon'ble Court;

5. **Whereas**, in view of various orders from time to time in the contempt petition and the fact that all available legal remedies i.e., filing of LPA and SLP stood exhausted by the department, the petitioner's case was recommended to the General Administration Department along with concurrence from the Finance Department, in terms of their conveyed vide its U. O. No. GAD-CORD/64/2023-09 dated 24.05.2023, for approval of the Competent Authority to the grant of retrospective effect to the regularization of services of the petitioner from the date of regularization of private respondents;

6. **Whereas**, the General Administration Department vide its U.O. dated 01.11.2023 advised as under: -

*"Returned. The approval of the Competent Authority (Hon'ble Lieutenant Governor) is hereby conveyed to the Departmental proposal submitted in file bearing No. FST-Lit/87/2021-02, as under:*

*'In furtherance to Government Order No. 224-FST/2017 dated 15.09.2017, sanction is hereby accorded to the regularization of the petitioner namely, Shri Mohan Lal S/O Shri Paras Ram R/O Village Jagali, Tehsil & District Ramban, as Helper in the pay scale of Rs. 4440-7440 with grade pay of Rs. 1300 notionally w.e.f. 12.12.2007 i.e., from the date Mr. Mohd. Zaffar and Mr. Mohd. Tariq have been regularized and monetarily w.e.f. 15.09.2017, to implement the orders of the Hon'ble Court, as opined by the Department of Law, Justice & Parliamentary Affairs. This, however, shall not constitute any precedent for similar cases/matters.'*

*The department is advised to take further necessary action accordingly."*

7. Now, therefore, in compliance with the order dated 17.04.2012 passed by the Hon'ble Court in SWP No. 1475/2010 titled Mohan Lal Vs. State of J&K and others and in terms of the approval of Competent Authority, in furtherance to Government Order No. 224-FST/2017 dated 15.09.2017 and in relaxation of rules, sanction is hereby accorded to the regularization of Shri Mohan Lal S/O Shri Paras Ram R/O Village Jagali, Tehsil & District Ramban, as Helper in the pay scale of Rs. 4440-7440 with grade pay of Rs. 1300, notionally w.e.f. 12.12.2007, i.e. from the date Mr. Mohd. Zaffar and Mr. Mohd. Tariq have been regularized, and monetarily w.e.f. 15.09.2017.

This shall, however, not constitute any precedent for similar cases/matters.

**By Order of the Government of Jammu and Kashmir.**

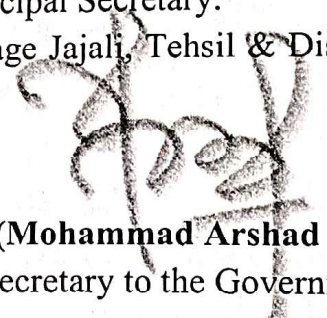
Sd/  
**(Dheeraj Gupta) IAS**  
Principal Secretary to the Government

No: - FST-Lit/87/2021-02

Dated: - 3.11.2023

Copy to the: -

1. Pr. Chief Conservator of Forests (HoFF), J&K.
2. Commissioner Secretary to the Government, General Administration Department.
3. Private Secretary to Principal Secretary to the Government, Forest, Ecology & Environment Department, for information of the Principal Secretary.
4. Shri Mohan Lal S/O Shri Paras Ram R/O Village Jagali, Tehsil & District Ramban.
5. Government Order file.

  
**(Mohammad Arshad Jan)**  
Under Secretary to the Government