

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

Subject: Consideration of claim of applicant in compliance with the order dated 20.03.2023 passed by the Hon'ble Tribunal in T.A. No. 8819 of 2020 titled Shareefa Begum Vs. State of J&K and others.

**Government Order No: 239-JK(FST) of 2024**  
**Dated: 04.11.2024**

**Whereas**, the applicant had approached the Hon'ble Court through the medium of a writ petition, which was numbered as WP(C) No. 2494/2019 titled Shareefa Begum Vs. State of J&K and others, seeking therein, inter alia, direction upon the respondents, for regularization of her services under the provisions of SRO 64 of 1994;

**Whereas**, the writ petition (supra) was later transferred by the Hon'ble Court to the Hon'ble Tribunal vide order its dated 14.08.2020, for further adjudication and was re-numbered as T.A. No. 8819/2020 titled Shareefa Begum Vs. State of J&K and others;

**Whereas**, the application (supra) was disposed of by the Hon'ble Tribunal vide its order dated 20.03.2023, operative part whereof reads as under: -

*"...Respondents to accord consideration to the applicant's regularization from the date she has completed the required length of the service in terms of SRO 64 of 1994, read with relevant rules occupying the field and release all benefits due to her upon regularization of her services with effect from the date of regularization..."*;

**Whereas**, rule 4 of the Jammu and Kashmir Daily Rated Workers/Work Charged Employees (Regularization) Rules, 1994, notified vide SRO 64 of 1994, provided the eligibility conditions, for regularization under SRO 64 of 1994 and clause (f) of rule 4 provided as under: -

**"f. that he has completed seven years continuous period of working as Daily Rated Worker or work charged employee or partly as daily rated worker and partly as work charged employees."**;

**Whereas**, it is evident from the above stated rule position that in order to claim the benefit of SRO 64 of 1994, the Daily Rated Worker or Work Charged Employees should, inter alia, have completed seven years continuous period of working in such capacity and non-fulfillment of any of the stipulated pre-conditions would render a person ineligible for regularization under SRO 64 of 1994;

**Whereas**, in compliance with the aforesaid direction of the Hon'ble Tribunal, claim of the applicant was examined in terms of the aforesaid rules and it came to fore that the applicant has breaks in service viz., 02/1994 to 01/1997, 01/1998 and 02/2004, which makes her ineligible to claim the benefit of SRO 64 of 1994;

**Whereas**, without prejudice to the above, Government in the General Administration Department vide its O.M. dated 23.02.2021 had issued an advisory on the issue of regularization, which is reproduced herein below: -

*"The regularization scheme namely Jammu and Kashmir Daily Rated Workers/Work Charged Employees (Regularization) Rules, 1994, notified vide SRO 64 of 1994 and repealed J&K Civil Services (Special Provisions) Act, 2010 are under administrative scrutiny and a considerate and informed decision on the issue is to be taken in the matter. The issue is required to be placed before the Establishment-cum-Selection Committee."*

**Whereas**, subsequently, the policies/legislative enactments relating to regularization of services, including SRO 64 of 1994 have been repealed vide S.O. 514 dated 06.10.2023, which is a policy decision taken by the Government. S.O. 514 provides as under: -

*"S.O. 514: - In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other enabling provisions in this behalf, the Lieutenant Governor is pleased to direct that the "Jammu and Kashmir Daily Rated Workers/Work Charges Employees (Regularization) Rules, 1994" notified vide SRO 64 of 1994 dated 24.03.1994; "Jammu and Kashmir Casual and other Workers Regular Engagement Rules, 2017" notified vide SRO 520 of 2017 dated 21.12.2017 and all other rules, regulation, notification, bye-laws, orders etc pertaining to regularization of engagement of Daily Rated Worker Charged/ Casual/ Seasonal/ Adhoc/ Consolidated or other worker(s) are hereby repealed.*

*All the pending cases shall stand abated and no fresh cases shall be entertained;"*

**Whereas**, the aforesaid policy decision has not been taken by the Government with regard to a particular case but is of a general nature, which is applicable to all those cases where regularization of services was pending consideration till the taking of the aforesaid policy decision. Therefore, the applicant, who otherwise also was not eligible for regularization under SRO 64 of 1994, is not entitled to the benefit of the policy that stands repealed by the Government in the Finance Department with a further decision in this regard that all pending cases shall stand abated and no fresh cases shall be entertained; and

**Whereas**, the policies/legislative enactments regarding regularization under SRO



64 of 1994 have been repealed by the Government vide S.O. 514 dated 06.10.2023 and thus, as on date, there are no existing rules/law under which regularization can be done and it is no longer res integra that regularization cannot be done in the absence of any specific legislation or rules. Further, it has been laid down by the Hon'ble Apex Court in its judgment dated 07.10.2021 passed in Civil Appeal No's. 5689-5690 of 2021 titled Union of India and others Vs. Ilmo Devi and others that "...As per the settled position of law, the regularization can be only as per the regularization policy declared by the State/ Government and nobody can claim the regularization as a matter of right dehors the regularization policy..."

**Now, therefore,** keeping in view of the afore-stated position, claim of the applicant having been considered in compliance with the order dated 20.03.2023 passed by the Hon'ble Tribunal in T.A. No. 8819/2020 titled Shareefa Begum Vs. State of J&K and others, for regularization of her services under SRO 64 of 1994 (repealed law) is found meritless. Accordingly, claim of the applicant is rejected.

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

**Sd/-**

(Shailendra Kumar) IAS

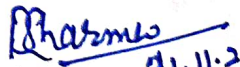
**Principal Secretary to the Government.**

No: - FST-Lit/44/2024-02

Dated: 04.11.2024

**Copy to the: -**

1. Principal Secretary to the Government, Finance Department.
2. Commissioner /Secretary to the Govt., General Administration Department.
3. Pr. Chief Conservator of Forests (HoFF), J&K.
4. Chief Conservator of Forests, Kashmir.
5. OSD to Hon'ble Minister for Forest, Ecology and Environment Department.
6. Pvt. Secy. to Principal Secretary to the Govt., Forest, Ecology and Environment Department for information of the Pr. Secy.
7. I/c Web site
8. G.O /Office file.

  
(Raj Kumar) 04.11.2024

**Under Secretary to the Government.**

