

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

**Subject: - Consideration of claim of petitioners in compliance with the order dated 19.03.2013 passed by the Hon'ble Court in SWP No. 1631/2012 titled Zaffar Ahmad Jan and others Vs. State and others.**

**Government Order No: -239JK (FST) of 2023**  
**Dated: - 30 .11.2023**

*Whereas*, petitioners in the afore-cited writ petition had approached the Hon'ble Court and had sought, inter alia, direction upon the respondents to regularize their services under the provisions of SRO 64 of 1994;


*Whereas*, the writ petition (supra) came to be disposed of by the Hon'ble Court vide its order dated 19.03.2013, operative part whereof reads as under: -

*"...this petition is disposed with a direction to the respondents to accord consideration to the petitioners' case in light of averments made in the writ petition, of course, in accordance with rules governing the field..."; and*

*Whereas*, Government in the General Administration Department vide its O.M. No. GDC-265/CM/2017 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and Kashmir Daily Rated Workers/Work Charged Employees (Regularization) Rules, 1994, notified vide SRO 64 of 1994 and repealed J&K Civil Services (Special Provisions) Act, 2010 are under administrative scrutiny and a considerate and informed decision on the issue is to be taken in the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*, the policies/legislative enactments relating to regularization of services, including SRO 64 of 1994 have now been repealed, which is a policy decision taken by the Government. The said 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 has not been done till the taking of the policy decision. As such, the petitioners herein are not entitled to the benefit of a policy that stands repealed as on date. Reliance in this regard is placed on judgment dated 21.07.2023 passed by the Division Bench of Hon'ble High Court of J&K and Ladakh at Srinagar in CCP(D) No. 8/2022 titled Ishfaq Tantray Vs. Khalid Jahangir, operative part whereof reads as under:-

 *"...since a policy decision was taken by the Administration at the higher level before such a right has accrued to the petitioners for getting*

*appointed, we are of the view that failure to appoint the petitioners on the basis of the selection process which has been directed to be completed by the Division Bench, cannot be said to amounting to commission of contempt of the Court under the Contempt of Courts Act, 1971, as the act of the respondents cannot be said to be willful disobedience of the order of the Division Bench dated 10.05.2013 passed in LPA No. 184/2012..."*

Now, therefore, keeping in view the afore-stated position, claim of the petitioners having been considered in compliance with the order dated 19.03.2013 passed by the Hon'ble Court in SWP No. 1631/2012 titled Zaffar Ahmad Jan and others Vs. State and others, for regularization of his services under SRO 64 of 1994 (repealed law) is found meritless. Accordingly, claim of the petitioners is rejected.

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

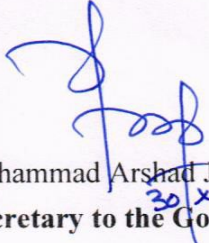
Sd/ -  
(Dheeraj Gupta) IAS  
Principal Secretary to the Government

No: - FST-Lit/124/2021-02-Forest Deptt.

Dated: 30.11.2023

**Copy to the: -**

1. Commissioner/Secretary to Govt., General Administration Department. Civil Sectt., J&K.
2. Pr. Chief Conservator of Forests (HoFF), J&K.
3. Chief Conservator of Forests, Kashmir.
4. Director Finance, Forest, Ecology & Environment Deptt.
5. G.O./Office File.

  
(Mohammad Arshad Jan)  
Under Secretary to the Government