

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

- Subject:** Consideration of the claim of Shri Harbans Singh S/O Jogender Singh R/O H. No. 603, Nai Basti, Jammu in compliance with the order dated 06.07.2018 passed by the Hon'ble Court in SWP No. 107/2018 titled Harbans Singh Vs State of J&K and others.
- Reference:** U.O. No. GAD-CORD/27/2023-09 dated 09.01.2024 from the General Administration Department.

Government Order No: 23 JK(FST) of 2024

Dated: 25.01.2024

Whereas, Shri Harbans Singh S/O Jogender Singh R/O H. No. 603, Nai Basti, Jammu, who was engaged as Casual Labour in July, 1994, had filed a writ petition that was numbered as SWP No. 107/2018 titled Harbans Singh Vs. State of J&K and others, seeking therein, *inter alia*, direction upon the respondents, for regularization of his services under SRO 64 of 1994;

Whereas, the writ petition (supra) came to be disposed of by the Hon'ble Court vide its order dated 06.07.2018, operative part whereof reads as under: -

"...The respondents are directed to consider the case of the petitioner for regularization in terms of the provisions of SRO 64 of 1994 read with Government Order No. 1285-GAD of 2001 dated 06.11.2001 and also in light of the judgment passed by the Division Bench in Mushtaq Ahmed Sohail's case (supra). Let a decision in this regard be taken within six weeks from the date certified copy of this order is made available to the respondents. It is made clear that the petitioner shall be entitled to be regularized w.e.f. the date he completed seven years of service with all consequential benefits.";



Whereas, against the aforesaid order dated 06.07.2018, the department had preferred an appeal that was numbered as LPA No. 66/2021 titled Union Territory of J&K and others Vs. Harbans Singh, which was, however, dismissed by the Division Bench of Hon'ble High Court of J&K at Jammu vide its order dated 09.07.2021, operative part whereof reads as under: -

"...For the aforementioned reasons, we do not find it a good case for condoning the delay of 990 days in preferring the Letters Patent Appeal. The application is, accordingly, dismissed along with accompanied appeal."

Whereas, subsequently, the department had also filed SLP in the matter that was numbered as SLP No. 20493/2021 titled Union Territory of J&K and others Vs. Harbans Singh, which was dismissed by the Hon'ble Supreme Court vide its order dated 03.01.2022 that reads as under: -

"We do not find any good ground to interfere with the impugned judgment and order passed by the High Court. The special leave petition is dismissed.

Pending application(s), if any, shall stand disposed of."

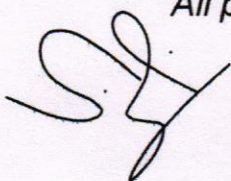
Whereas, thereafter, a review petition numbered as Review Petition (Civil) Diary No. 7077/2022 titled Union Territory of J&K and others Vs. Harbans Singh was filed against the order dated 03.01.2022 passed by the Hon'ble Supreme Court in SLP filed on the subject. However, the Hon'ble Supreme Court vide its order dated 21.09.2022 dismissed the review petition as under: -

"Delay condoned.

We have carefully perused the review petition as also the grounds in support thereof. In our opinion, no case for review of order dated 03.01.2022 is made out.

The review petition is, accordingly, dismissed.

All pending applications also stand disposed of."



Whereas, after exhausting the legal remedies available under law, as detailed above, claim of the petitioner was under consideration, in consultation with the Department of Law, J & PA, Finance Department and General Administration Department. Further, the Finance Department vide its U.O No. FD-Code/445/2021-02-1299 dated 22.12.2023 conveyed its concurrence and the matter was thereafter taken up with the General Administration Department in the shape of a Coordination Note, for approval of the Competent Authority. General Administration Department vide its U.O. No. GAD. CORD/27/2023-09 dated 09.01.2024 conveyed as under: -

"Returned: The approval of the Competent Authority (Hon'ble Lieutenant Governor) is hereby conveyed to the Departmental proposal regarding "creation of one (01) supernumerary post of Helper in the pay scale of Rs. 4440- 7440+1300 (PR) for regularization of the petitioner namely, Harbans Singh notionally w.e.f. July, 2001 and with monetary benefits prospectively" submitted in the file bearing No. FST- Lit/98/2021-02 for further necessary action in the matter."

Now, therefore, in compliance with the order dated 06.07.2018 passed by the Hon'ble Court in SWP No. 107/2017 titled Harbans Singh Vs. State of J&K and others, sanction is hereby accorded to the creation of one supernumerary post of Helper in the pay scale of Rs. 4440-7440+1300 (PR), for regularization of services of Shri Harbans Singh S/O Jogender Singh R/O H. No. 603, Nai Basti, Jammu notionally w.e.f. July, 2001 and with monetary benefits prospectively. This shall, however, not form any precedence for similarly situated cases.

This issues with the concurrence of the Finance Department conveyed vide its U.O No. FD-Code/445/2021-02-1299 dated 22.12.2023."

By Order of the Government of Jammu and Kashmir.

Sd/-
(Dheeraj Gupta), IAS
Financial Commissioner (Additional Chief Secretary)

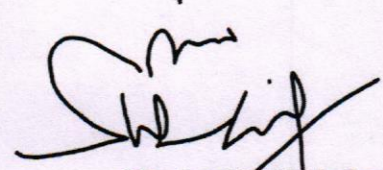
No: - FST-Lit/98/2021-02

Dated: 25.01.2024

Copy to the:

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Principal Secretary to the Government, Finance Department.
3. Commissioner /Secretary to the Govt., General Administration

- Department.
4. Pr. Chief Conservator of Forests (HoFF), J&K.
 5. Secretary to the Government, Department of Law, Justice and PA.
 6. PS to the Financial Commissioner (Additional Chief Secretary), FE&E Department.
 7. Concerned.
 8. In-charge Website.
 9. Government Order /Stock file.



(Suhail Ul Islam)

Deputy Secretary to the Government