

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

**Subject:** - Consideration of claim of petitioners in compliance with the order dated 14.11.2011 passed by the Hon'ble Court in SWP No. 2429 /2011 titled Nasreena Akhter and others Vs. State of J&K and others.

**Government Order No:** 250 - JK (FST) of 2023  
**D a t e d:** - 12 .12.2023

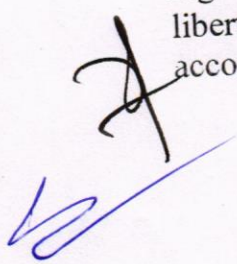
**Whereas,** the petitioners had approached the Hon'ble Court through the medium of afore-cited writ petition, claiming therein to have been working as Daily Wagers and had sought direction upon the respondents, for regularization of their services;

**Whereas,** the writ petition (supra) came to be disposed of by the Hon'ble Court vide its order dated 14.11.2011, operative part whereof reads as under:-

"...the writ petition is disposed of with a direction to respondents to accord consideration to the regularization of service of petitioners, of course, in accordance with rules...";

**Whereas,** subsequently, the petitioners had filed a contempt petition that was numbered as CPSW No. 150/2012 titled Nasreena Akhtar and others Vs. Mr. Shantmanoo, which came to be disposed of by the Hon'ble Court vide its order dated 01.03.2021 and reads as under:-

"During pendency of the instant contempt petition, the incumbent respondent(s) has changed his position either on account of retirement or transfer to some other office, as such, no useful purpose can be achieved by keeping the instant contempt petition pending, therefore, the same is disposed of giving liberty to the petitioner(s) to approach the present incumbents with a copy of the order, subject matter of the contempt petition, for seeking implementation of the same, of course, in case same has remained unimplemented, so far. Further, in the event, the petitioner(s), after availing the aforesaid liberty, is still dissatisfied as regards the implementation of the directions of this Court, they shall be at liberty to file appropriate proceedings for implementation of the same in accordance with law. Contempt petition disposed of as above.";






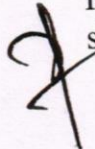
**Whereas**, while the matter was pending consideration, Government in the General Administration Department, in the meantime, vide its O.M. No. GDC-265/CM/2017 dated 23.02.2021 had issued an advisory on the issue of regularization, which is reproduced herein below:-

“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 administration 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 vide S.O. 514 dated 06.10.2023, which is a policy decision taken by the Government. S.O. 514 dated 06.10.2023 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 Charged 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, regulations, notifications, bye-laws, orders etc. pertaining to regularization of engagement of Daily rated/Work 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.”; and

**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 petitioners are not entitled to the benefit of the policy that stand 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.





Now, therefore, keeping in view the afore-stated position, claim of the petitioners having been considered in compliance with the order dated 14.11.2011 passed by the Hon'ble Court in SWP No. 2429/2011 titled Nasreena Akhter and others Vs. State of J&K and others is found meritless. Accordingly, claim of the petitioners is rejected.

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

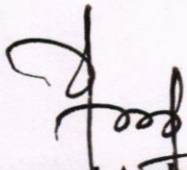
Sd/  
(Dheeraj Gupta) IAS  
Principal Secretary to the Government

Dated: 12.12.2023

No: - FST-Lit/30/2023-02

Copy to the:

1. Principal Secretary to the Government, Finance Department, J&K.
2. Commissioner Secretary to the Govt, General Administration Department, J&K.
3. Pr. Chief Conservator of Forests (HoFF), J&K. He is requested to have the Compliance report filed on the strength of this G.O.
4. PS to Principal Secretary to the Govt, Forest, Ecology & Environment Department, for kind information of Principal Secretary.
5. Petitioners.
6. Government Order file (w.2.s.c.):

  
(Mohammad Arshad Jan)  
Under Secretary to the Government

