

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

SWP No.807/2008, MP No.1233/2008

Date of order:-29/09/2016

Bhushan Lal and ors.

Vs. State and ors.

Coram:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge

Appearing counsel:

For the Petitioner/Appellant (s) : None.

For the respondent(s) : None.

(a) Whether approved for reporting in Net : Yes/No.

(b) Whether approved for reporting in
Press/Media : Yes/No.

1. This petition is of the year 2008.
2. Petitioners claims to have been engaged on daily wage basis for the regulation of the water supply in PHE Department. The grievance of the petitioners is that they have completed more than seven years of service in the Department and they are entitled to be regularized in terms of the Jammu and Kashmir Public Health Subordinate Service Recruitment Rules 1989 (SRO 380 dated 29.09.1989) read with SRO 64 of 1994.
3. Objections have been filed by the respondents. It is stated by the respondents in their objections that the petitioners were not engaged as daily wagers and there was no regular attendance or duty for the petitioners who worked for one hour or two hours a day. Respondents further stated in the objections that petitioners' case is not covered under SRO 64 of 1994.
4. Be that as it may, since the petitioners have been performing their duties for a long number of years as a Daily Wager in the department, their claim should be considered for regularization in terms of appropriate

SRO or the Rules governing the employment of Daily Wagers who have put in long years of service. Much water has flown after year 2008 when the writ petition was filed, therefore, it will be appropriate that the claim of the petitioners should be considered afresh.

5. In such view of the matter, the writ petition is disposed of and the petitioners are directed to make a detailed representation along with copy of this order to respondents and on such representation being made, the authority concerned shall accord consideration to the case of petitioners for their regularization within four weeks on merits.
6. Writ petition stands disposed of in the above terms.

(Ramalingam Sudhakar)
Judge

Jammu,
29.09.2016
Varun