

Government of Jammu and Kashmir.
Jal Shakti Department
Civil Secretariat, J&K

Subject: - CP No. 230/2023 in OA No. 687/2023 titled Bachan Singh & Ors Vs UT of J&K and Ors.

Government Order No. 124 -JK-JSD of 2025.
Dated: 19 -05-2025

01. Whereas, Shri Bachan Singh & Others (herein referred as "applicants") filed an Original Application bearing O.A. No. 687/2023 before the Hon'ble Central Administrative Tribunal, Jammu Bench, seeking a direction for regularization of their services with effect from the date of completion of seven years of continuous service as Daily Rated Workers, along with all consequential benefits in terms of the provisions of SRO-64 of 1994; and
02. Whereas, the Hon'ble Tribunal vide its order dated 13.07.2023, disposed of the matter with the following operative directions:

"Accordingly, the Original Application is disposed of with a direction to the Principal Secretary to Government, Jal Shakti (PHE, I&FC) Department, Jammu (Respondent No. 1 herein) to decide the applicants' pending representation dated 14.04.2023 and pass a reasoned and speaking order while keeping in view the recommendations made by Respondents No. 2, 3 & 4 and the principles laid down by the Hon'ble Supreme Court in the matter of Raman Kumar and Ors. Vs. Union of India & Ors., 2023 LiveLaw (SC) 520. Before taking any decision into the matter, the applicants shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of six weeks from the date of receipt of a certified copy of this order."
03. Whereas, during the examination of the matter in the Department and in the meantime applicants also filed a Contempt Petition bearing C.P. No. 230/2023 before the Hon'ble Tribunal seeking implementation of its order dated 13.07.2023 passed in O.A. No. 687/2023; and
04. Whereas, as per departmental records, the applicant's cases were earlier placed before the Empowered Committee constituted vide Government Order No. 139-F of 2015 dated 19.08.2015 and the Empowered Committee raised certain observations, which after clarification was again re-submitted for further consideration; and
05. Whereas, the Finance Department returned the case with the advise that :-
Returned: - the department is advise on following lines:-
 - i. In pursuance to the AC Decision No. 13/01/2024 dated 18.01.2024, vide S.O. 132 dated 27.02.2024, the operation of Notification S.O. 514 dated 06.10.2023 , where under SRO-64 and SRO-520 were withdrawn, has been kept in abeyance till further orders. Thus, the matter is under policy review.
 - ii. The Department may, accordingly, proceed further in consultation with Law Department and General Administration Department, in light of the Court directions."

06.

Whereas, having inter consultation in similarly situated cases with the Finance Department, the Finance Department returned the cases.

Returned the Department is advised on the following lines:-

- i. Empowered Committee was constituted by the Finance Department vide Government Order No. 139-F of 2015 dated 19.08.2015, to approve formal creation of posts for the regularization of left-over eligible DRWs, after scrutiny of proposals in terms of SRO-64 of 1994 dated 24.03.1994.
- ii. Law Department has opined that these executive orders, statutory orders, and legislative enactments (SRO-64 and SRO-520) are violative of Article 14, 15, and 16 of Constitution of India, and in view of Law laid down by the Hon'ble Supreme Court of India in Constitutional Bench judgment in case titled State of Karnataka vs Uma Devi.
- iii. SRO-64/SRO-520 is/are under review in view of the Law laid down by the Hon'ble Supreme Court of India in constitutional Bench Judgment in the case titled State of Karnataka VS Uma Devi.

07. Whereas, the Finance Department in its latest O.M. No. FD-Code/170/2021-03 dated 06.02.2025, reiterated, that department is advised that SRO-64 and SRO-520 are under review;

Now, therefore, after considering all aspects of the matter, including the directions passed by the Hon'ble Tribunal on 13.07.2023 in O.A. No. 687/2023 titled Bachan Singh & Others Vs UT of J&K & Others, and upon detailed examination and available records and legal advice, it has been found that the claim of the applicants is not found legally sustainable and is, accordingly, rejected.

By order of the Government of Jammu and Kashmir.


Sd/-
(Shaleen Kabra), IAS
Financial Commissioner (ACS)
Jal Shakti Department.

No: CEPHEJ-Est/122/2025- (7625349)

Dated: 19 -05-2025

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, (PHE) Jal Shakti Department, Jammu for information and necessary action.
3. Ld. Government Advocate Hon'ble Central Administrative Tribunal, Jammu Bench for information and filing of compliance before the Hon'ble Court.
4. Private Secretary to the Financial Commissioner (ACS) Jal Shakti Department for information of the Financial Commissioner (ACS).
5. PA to Special Secretary to Government, Jal Shakti Department for information of Special Secretary.
6. Applicants.
7. Incharge website, Jal Shakti Department.
8. Monday Return file (w.2.s.c).
9. Government order file.


(Rehmatullah)
Under Secretary to Government,
Jal Shakti Department