

File No.:JSD-LS02(1)/374/2022-Legal-Jal Shakti Department
Government of Jammu & Kashmir
Jal Shakti Department
Civil Secretariat, Jammu/Srinagar

Subject: - CP (S) No. 732/2019, LPA No. 545/2001 titled Waryam Dass Vs UT of J&K and Ors.
regularization thereof;

Government Order No. 190JK (JSD) of 2025

Dated: - 11-08-2025

1. Whereas, Shri Waryam Dass S/o Sh. Titru Ram, R/o Marjali, Jammu, had filed SWP No. 1775/1998 before the Hon'ble High Court of Jammu & Kashmir at Jammu, seeking regularization under SRO-64 of 1994, having completed more than seven years of continuous service by June 1998; and
2. Whereas, the Hon'ble High Court, while disposing of the writ petition on 31.05.2001, directed the respondents to consider the case of the petitioner for regularization in terms of the said SRO; and
3. Whereas, a consideration order was thereafter issued by the Executive Engineer, MICD Jammu vide No. 29 of 2001 dated 28.08.2001 rejecting the petitioner's claim, which led to the filing of SWP No. 2304/2001 before the Hon'ble High Court, and the Court on 31.10.2001 again directed the respondents to reconsider the petitioner's case in view of policy decisions and legal provisions and to pass appropriate orders; and
4. Whereas, the Department preferred an LPA No. 545/2001 against the said judgment which was dismissed by the Hon'ble Division Bench on 18.02.2014 with a clear finding that the petitioner had worked for more than 7 years and was thus eligible for regularization in terms of SRO-64 of 1994, and the direction of the Writ Court required no interference; and
5. Whereas, the petitioner's case was placed before the Empowered Committee, constituted vide Government Order No. 139-F of 2015 dated 19.08.2015, in compliance with the directions of the Hon'ble High Court. In its 13th meeting held on 04.04.2018, the Committee concluded that, in light of the Court's orders, the Department take appropriate action at its level for implementation, as the case dose not falls under SRO-64 of 1994; and
6. Whereas, based on inter-departmental consultations with GAD and the Law Department, the petitioner's claim was rejected vide Government Order No.21-JK(JSD) of 2024 dated 29.01.2024. However, the Hon'ble High Court, while considering the said matter on 30.09.2024, disapproved the rejections and direct to file fresh compliance in light of the judgments passed on 31.10.2021 & 18.12.2024 failing which respondents to appear in person; and

7. Whereas, the matter was thereafter subject to interdepartmental consultations and vetting. The Department of Law, Justice & Parliamentary Affairs, vide U.O. dated 10.03.2025, advised as under:-

"The Department is conveyed that the order passed by the writ court has attained finality and is, therefore, required to be read and implemented in accordance with the observations made therein. The observations that have attained finality cannot be negated by the Government in the consideration order unless the same are set aside by a superior forum. The High Court, in the contempt proceedings, has directed compliance with the order, failing which the Administrative Secretary, Jal Shakti Department, has to remain present. As such, the department is advised to take steps in consultation with the Finance Department for the implementation of the writ court order dated 31.02.2001."

8. Whereas, in compliance with the Law Department's advice, the matter was referred to the Finance Department, and while returning the file vide U.O. No. FD-Code/172/2024-02-1458 dated 08.04.2025, the following advice has been rendered:-

"The Department is advised that since the judgment dated 31.10.2001 has attained finality, the Department may implement the judgment, as advised by the Law Department, in relaxation of rules. The Department shall ensure that the vacant class-IV post identified by the Department in 2018, is still available with it. The Department shall issue orders with the prior approval of the Competent Authority."

9. Whereas, the Chief Engineer (I&FC), Jammu confirmed the availability of a vacant post of Helper (Class-IV) in the Division; and

10. Whereas, the matter was thereafter referred to the General Administration Department (GAD) vide U.O. dated 02.07.2025 for placing it before the Competent Authority through the Chief Secretary for approval of implementation of the Hon'ble High Court's judgments/orders. The GAD has conveyed approval of the Competent Authority vide U.O. No. GAD-CORD/225/2022 dated 28.07.2025, as recorded below:-

"In compliance to Orders passed by the Hon'ble High Court dated 31.10.2001 and 18.02.2014, and in view of the dismissal of LPA on 18.12.2017 by the Hon'ble Division Bench of the Hon'ble Court, read with the advice of the Department of Law, Justice & Parliamentary Affairs dated 10.03.2025 and the advice of the Finance Department vide U.O Dated 08.02.2025, sanction is hereby accorded to the regularization of Shri Waryam Dass S/o Sh. Titru Ram R/o Marjali, Jammu, against the post of Helper (Class- IV) available in the Department, in the pay scale of Rs. 4440-7440 with Grade Pay of Rs. 1300/- (Pre- revised), w.e.f. 01.07.1998, i.e., following the year in which the petitioner completed seven years of continuous service, in relaxation of Rule 4 of SRO-64 of 1994."

Accordingly, the Chief Engineer (I&FC), Jammu shall issue the formal appointment order and ensure strict compliance with all codal and procedural requirements. The regularization is subject to the following conditions:-

1. The regularization shall not be treated as a precedent in any other similar or dissimilar case.
2. It shall be against an available vacant post of Helper (Class-IV) in the office of the Chief Engineer (I&FC), Jammu, as confirmed by the said office.
3. The appointee shall be subject to verification of character and antecedents, as well as qualification certificates and other service formalities as prescribed.

By order of the Lieutenant Governor.

Sd/-

(Shaleen Kabra), IAS
Financial Commissioner (Additional Chief Secretary)
Jal Shakti Department

No:- JSD-LS02(1)/374/2022-Legal/ 223361

Dated :- || -08-2025

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Principal Secretary to the Government Finance Department.
3. Principal Secretary to the Hon'ble Lieutenant Governor.
4. Commissioner/Secretary to the Government, General Administration Department.
5. Chief Engineer, (I&FC), Jammu, for information and necessary action.
6. Ld. Government Advocate Hon'ble High Court Jammu & Kashmir Ladakh, Jammu for information and filing of compliance before the Hon'ble Court.
7. Private Secretary to the Financial Commissioner (ACS), Jal Shakti Department, for the information of the Financial Commissioner (ACS).
8. PA to Special Secretary to the Government, Jal Shakti Department, for information of the Special Secretary.
9. Applicant.
10. In charge website, Jal Shakti Department.
11. Monday Return file (w.2.s.c).
12. Government order file.


(Rehmatullah)

Under Secretary to the Government,
Jal Shakti Department

