

File No.:JSD-NGJ/42/2024-ADM-Jal Shakti Department
Government of Jammu and Kashmir
Jal Shakti Department,
Civil Secretariat, Jammu/Kashmir.

Subject:- CCP (s) No.287/2019 in SWP No.1864/2017 titled Chain Singh V/s State of J&K and Ors.

Government Order No.192 -JK(JSD) of 2025
Dated:- 13 .08.2025

1. Whereas, Shri Chain Singh S/o Prem Singh R/o Ramnagar, Udhampur (hereinafter referred to as the petitioner) filed a writ petition bearing SWP No.1864/2017 titled Chain Singh V/s State of J&K & Ors. before the Hon'ble High Court of J&K at Jammu with the plea that he was engaged as a Daily Rated Worker (DRW) in 06/1990 and is discharging his duties to the satisfaction of his superiors, and that he has been paid wages regularly, thereby seeking regularization in terms of J&K Daily Rated Worker/Work Charged Employee (Regularization) Rules, 1994 notified vide SRO- 64 of 1994; and
2. Whereas, the Hon'ble High Court, vide its order dated 04.08.2017, disposed of the writ petition with a direction to the respondents to consider the case of the petitioner for regularization strictly in accordance with the provisions of SRO-64 of 1994, if he fulfills the eligibility criteria, and to pass appropriate orders within three months from the date of service of the order; and
3. Whereas, in compliance with the directions of the Hon'ble Court, the case of the petitioner was forwarded to the Finance Department vide U.O. dated 08.03.2018 for consideration under the provisions of SRO-64 of 1994; and
4. Whereas, the Finance Department, vide U.O. dated 16.05.2018, returned the case with the some observations/deficiencies for rectification; and
5. Whereas, the requisite documents/information were provided by the Chief Engineer, PHE Jammu vide letter dated 27.12.2019; and
6. Whereas, the Hon'ble High Court, vide subsequent order dated 01.09.2023 in a contempt petition, expressed displeasure at non-compliance with the 2017 judgment and granted two weeks' time for filing a fresh compliance report, failing which the respondents were directed to appear in person; and

7. Whereas, the Department examined the matter and, in view of the prevailing policy, rejected the regularization claim based on the applicability of S.O. 514 dated 06.10.2023, issued by the Finance Department vide Government Order No. 240-JR(JRD) of 2023 dated 21.09.2023; and

8. Whereas, the Hon'ble High Court, vide order dated 03.08.2024, noted non-compliance of the earlier directions and directed the Commissioner/Secretary to Government, PHR Department to file a compliance report or appear in person along with relevant records; and

9. Whereas, in furtherance of compliance, the case was again forwarded to the Finance Department on 11.07.2024, for consideration under SRO-64 of 1994; and

10. Whereas, the Finance Department, vide U.O. No. FD- Code/385/2021-02-743 dated 10.01.2025, advised as under:

- i. SRO-64 of 1994 and SRO-520 of 2017 were repealed vide S.O. 514 dated 06.10.2023. However, S.O.514 has been kept in abeyance pending scrutiny and examination of the legal issue involved.
- ii. Law Department has opined that these Executive Orders, Statutory Orders and Legislative Enactments are violative of Article 14, 15 & 16 of Constitution of India and in view of Law laid down by the Hon'ble supreme court of India in the case titled State of Karnataka V/s Uma Devi.
- iii. SRO-64 of 1994/SRO-520 of 2017 are under review of law laid down by the Hon'ble supreme Court of India in the case titled State of Karnataka V/s Uma Devi.
- iv. Further, the Department may explore the legal remedies available in the case, in consultation with Law Department.

11. Whereas, the Empowered Committee constituted vide Government Order No. 139-F of 2015 dated 19.08.2015 for scrutiny of such cases under SRO-64 was not authorized to process regularization in view of the changed legal position; and

11. Whereas, the Finance Department, vide latest O.M. No. FD-Code/170/2021-03 dated 06.02.2025, reiterated that SRO-64 and SRO-520 are under review and no final decision has been taken yet; and

12. Whereas, in light of the above position, and keeping in view that the matter involves a larger policy decision, no case for regularization is made out in favour of the petitioner at this juncture. Moreover, the Government has constituted a committee vide Government Order No. 384-JK (GAD) of 2025 dated 19.03.2025 to examine the issue comprehensively and submit recommendations.

Now, therefore, in view of the facts narrated above and in view of the policy position, the claim of Shri Chain Singh for regularization is rejected at this stage. However, the final decision shall be subject to the recommendations of the Committee constituted vide G.O. No. 384- JK(GAD) of 2025 and the outcome of the review process presently underway in respect of SRO-64/SRO-520.

By Order of the Government of Jammu and Kashmir

Sd/-

(Shaleen Kabra)IAS
Financial Commissioner (ACS)
Jal Shakti Department.

No. JSD-NGJ/42/2024-ADM/ 7517355

Dated:- 13.08.2025

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, Public Health Engineering, Jammu for information and necessary action.
3. Director Archives, Archaeology and Museums, J&K.
4. Ld. Government Advocate Hon'ble High Court Jammu & Kashmir Ladakh, Jammu for information and filing of compliance before the Hon'ble Court.
5. Private Secretary to the Financial Commissioner (ACS), Jal Shakti Department for information of the Financial Commissioner (ACS).
6. Petitioner.
7. I/c Website, Jal Shakti Department.
8. Monday Return file (w.2.s.c).
9. Government Order file.

(Rehmatullah)

Under Secretary to the Government
Jal Shakti Department

13/08