



Government of Jammu and Kashmir
Industries & Commerce Department
Civil Secretariat, Jammu/Srinagar

Subject: SWP No. 2349/2011-titled Shadi Lal Raina V/S State of J&K and others.

Government Order No: 89-IND of 2019
Dated : 16-04-2019

Whereas, Mr. Shadi Lal Raina S/O Radha Krishan Raina R/O Chanderigam, Anantnag, was engaged in the Geology and Mining Department as Daily Rated worker on 05.07.1985;

Whereas, the said DRW was found absconding from 19.01.1990 to 07.08.1994 due to migration from valley in 1990s in view of turmoil in the valley;

Whereas, in the year 1994 the said Daily Rated Worker again approached to the Geology and Mining Department requesting therein that he may be allowed to resume his duties. The request of the applicant was considered and he was re-engaged on 08.08.1994 by the then Director, Geology and Mining Department;

Whereas, on the basis of recommendations of the then DGM the matter regarding regularization of the services of Mr. Shadi Lal Raina was placed before the Empowered Committee in Finance Department, who has observed as under:

"The instant case does not attract the provisions of SRO-64 as the DRW has been paid wages from 08/94 onwards (i.e. after the imposition of ban on engagement of DRWs."

Whereas, Mr. Shadi Lal approached the Hon'ble High Court through the medium of Service Writ Petition No 2349/2011 praying therein to quash the impugned observations of the respondent 1 & 2 (Finance Department) contained in communication No. IND/38-MNG/2003 dated 02.01.2006. The Hon'ble High Court passed an order dated 10.07.2018 in the writ petition, operative part whereof reads as under:

"This petitioner is, accordingly, allowed and the impugned communication dated 01.01.2006 is quashed. The respondents are directed to consider the case of the petitioner for regularization in terms of relevant rules within a period of six weeks from the date a copy of this order is served upon them, while doing so, the aforementioned judgment be also kept in mind."

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Whereas, the issue was examined in the department pursuant to the above said order of the Hon'ble High Court and it was found that the petitioner has been re-engaged after imposition of ban, therefore he is not entitled for regularization of his services as Daily Rated Worker in terms of the provisions of SRO-64 of 1994. It was further found that the case of the petitioner is not also covered by Govt. Notification dated 6th November, 2001 which pertained to regularization of adhoc non-Gazetted employees.

Now, therefore, in view of the above position, the claim of the petitioner for regularization of his services as "Daily Rated Worker" having been considered in compliance to the above mentioned order of the Hon'ble High Court has been found devoid of merit.

By Order of the Government of Jammu and Kashmir.

Sd/-

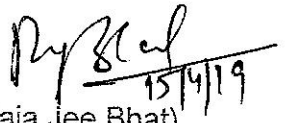
(Navin K. Chowdhary) IAS
Principal Secretary to the Government

No: IND/Legal/283/2018

Dated: 16 -04-2019

Copy to the:

- 1 Principal Secretary to the Govt. Finance Department.
- 2 Director, Geology and Mining Department, J&K.
- 3 Director, Archives, Archeology and Museums, J&K.
- 4 Private Secretary to the Advisor (SK) for information of Advisor(SK).
- 5 Pvt. Secretary to Principal Secretary to the Govt. I&C, for information of Principal/Secretary, I&C.
- 6 P.A to Additional Secretary (legal), I&C for information of Addl Secretary (L)
- 7 Incharge Website, I&C.
- 8 Govt. order file (W2SCs)/Monday Return/Stock file.


15/4/19
(Raja Jee Bhat)
Deputy Secretary to the Government

