



Government of Jammu and Kashmir
Housing and Urban Development Department.
Civil Secretariat, Srinagar / Jammu

Subject:- SWP No: 3234/2014 titled Mohan Lal and Ors Versus State and Ors.

Government Order No: 258 HUD of 2015

Dated:- 17. -11-2015

WHEREAS, the petitioners in the case titled Mohan Lal and Ors Versus State and Ors, who were engaged as Daily Rated Workers in different Municipal Committees/Councils of Jammu Division during 1995 to 2007 have approached the Hon'ble High Court with the prayer to regularize their services on the analogy of the regularization of Safaiwallahs of Urban Local Bodies of the State, made in pursuance to Govt Order No:-258-HUD of 2014 dated 30.08.2014.

AND WHEREAS, the Hon'ble Court after considering the writ petition, issued following directions vide its order Dated 15.11.2014,

Petition deserves disposal at its threshold without notice to respondents, therefore, is disposed of with a direction to respondents that they shall take necessary steps as required at their respective levels so as to ensure that the cases of the petitioners are considered in accordance with the relevant Rules and Regulations for regularization. The decision thereon shall be taken within a period of six weeks. While according consideration to the cases of the petitioners, identical persons who have been given the benefit vide Government Order No:-258-HUD of 2014 dated 30.08.2014 shall also be kept in view. Until then their position as it exists today shall not be disturbed.

Arife
17/11

AND WHEREAS, the directions of the Hon'ble High Court as reproduced above, are to the effect that the cases of petitioners are to be considered as per relevant rules and regulations and keeping in view the mandate of the Govt Order No:-258-HUD of 2014 dated 30.08.2014.

AND WHEREAS, after considering the cases of the petitioners, it has been found that there are 1165 casual Labours, 63 Daily Rated Workers and 80 CPWs, presently working in different Committees/Councils of Jammu Division.

AND WHEREAS, the Department has constituted committees vide Govt Order No:-110-HUD of 2011 and 134-HUD of 2011 to look into the cases of illegal appointments/regularizations of Casual Labours/Daily Rated Workers etc, engaged in different Urban Local Bodies of the State and the Committees have yet to finalise its Recommendations/Reports.

AND WHEREAS, the employees who have been regularized in pursuance to the Govt Order NO:- 258-HUD of 2014 dated 30.08.2014 are Safaiwallahs, working in Urban Local Bodies of the State as one time exemption. The Petitioners are not similarly situated with employees who were regularized in pursuance to the Govt Order referred above and are performing different duties. As the job profile and method of recruitment and engagement of both the posts is totally different, the petitioners as such cannot claim any parity with such employees and other Daily Rated Workers who are similarly situated as that of petitioners and are yet to be regularized.

NOW THEREFORE, having examined the case of the petitioners, in light of the directions issued by the Hon'ble High Court in its Order dated 15.11.2014 passed in the matter of SWP No:-3234/2014 titled Mohan Lal and Ors Versus State and Ors, it has been found that the cases of the petitioners are neither covered under any rule or regulations for regularization nor the petitioners are similarly situated to the employees whose services

Prof
AW

have been regularized in pursuance to the Govt Order No:-258-
HUD of 2014 dated 30.08.2014, and no posts are available with the
Department against which the services of the petitioners can be
regularized, as such the case put forth by the petitioners is,
accordingly rejected being devoid of the merit.

By Order of the Govt of Jammu and Kashmir.

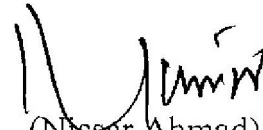
Sd/-
(Bipul Pathak) IAS
Commissioner/Secretary to Govt.
Housing and Urban Dev. Department

No:LSG/ULBJ/37/2014-AF

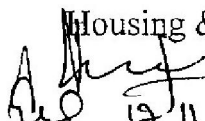
Dated: 17-11-2015

Copy to the:-

1. Commissioner/Secretary to Government, Finance Department.
2. Commissioner/Secretary to Government, General Administration
Department.
3. Secretary to Government, Department of Law, Justice & PA
4. Director, Urban Local Bodies, Jammu/Kashmir.
5. OSD to Hon'ble Minister for Urban Development Department.
6. Pvt. Secretary to Commissioner/Secretary to Govt. Housing & Urban Dev.
Department.
7. Government Order file/Stock file w.2.S.c


(Nissar Ahmad)

Under Secretary to Government
Housing & Urban Dev. Department.


17/11


17/11