

Government of Jammu and Kashmir
Health & Medical Education Department

Civil Secretariat, Srinagar/Jammu.

Subject:-Implementation of order dated 09.02.2022 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, Jammu in the case TA No. 61/ 622/ 2020 titled Renu Bala Vs State of J & K & Ors.

Government Order No. ~~539~~ JK(HME) of 2023
Dated: 27.06.2023

WHEREAS, Smt. Renu Bala D/o Balak Ram R/o Muthi, District Jammu (applicant) was engaged as Tailor on adhoc basis in the year 1999 on the establishment of Directorate of Health Services, Jammu;

AND WHEREAS, after examining the case of the applicant with regard to regularization of her services was referred to the Finance Department for placing before the Empowered Committee constituted by the said Department for scrutiny and verification to her entitlement of regularization under the provisions of J&K Civil Service (Special Provision) Act, 2010;

AND WHEREAS, the Finance Department vide O.M No. PS/DC/Misc-20/12 dated 31.05.2012, recommended the name of the applicant for regularization of her services for placing before the competent authority for approval in terms of Sub-Section (5) of section 10 of J&K Civil Service (Special Provision) Act, 2010;

AND WHEREAS, the applicant approached before the Hon'ble High Court at Jammu by way of Writ Petition in the year 2019 seeking direction for regularization of her services;

AND WHEREAS, the writ petition file by the applicant before the Hon'ble High Court at Jammu has been transferred to the Hon'ble Central Administrative Tribunal, Jammu Bench, Jammu bearing TA No. 61/622/2020 and the Hon'ble Tribunal disposed of the application on 09.02.2022 with following direction;

"Looking to the limited prayer made by the learned counsel for the applicant, we dispose of the T.A with the direction to the respondents to treat the TA as representation of the applicant and dispose of the same by passing a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order. A copy of the speaking order so passed shall be communicated to the applicant".





AND WHEREAS, after examining the case of the applicant in terms of the aforesaid order of the Hon'ble Tribunal and also recommendations of the Empowered Committee, the case of the applicant could not be placed before the competent authority for approval in terms of Sub-Section (5) of section 10 of J&K Civil Service (Special Provision) Act, 2010 as the said Act has been repealed by the Ministry of Home Affairs, Government of India vide notification S.O 1229 (E) dated 31.03.2020, accordingly, matter was taken up with the General Administration Department vide U.O dated 19.01.2023 for their advise in the matter;

AND WHEREAS, the General Administration Department vide U.O. dated 24.01.2023 conveyed following advise;

Returned: The Department of Law, Justice and P.A. was earlier consulted in relation to regularization's and the said Department has opined that the policy of regularization in terms of executive orders, statutory rules and legislative enactments are violative of Article 14,15 and 16 of the Constitution of India in view of the law laid down by the Hon'ble Supreme Court of India in a Constitutional Bench judgment rendered in Secretary, State of Karnataka Vs Umadevi AIR-2006-SC-1806.

AND WHEREAS, after examining the case of the applicant again in terms of the aforesaid advise of the General Administrative Department it has been found that the claim of the applicant for regularization of her services is devoid of any merit;

NOW, THEREFORE, in compliance to the order dated 09.02.2022 passed by the Hon'ble Central Administrative Tribunal, Jammu bench, Jammu in the case TA No. 61/622/2020 titled Renu Bala vs State of Jammu and Kashmir and Ors the claim of the applicant for regularization of her services has been considered and found devoid of any merit.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Bhupinder Kumar)IAS
Secretary to the Government
Health & Medical Education Department.

No. HD-Igal/98/2022-02

Dated:-27.06.2023

Copy to the:-


1. Joint Secretary J&K, Ministry of Home Affairs, GOI.
2. Director Health Services, Jammu for information.
3. Director, Archives, Archaeology & Museums, J&K, Jammu.



4. Director Litigation, Jammu.
5. OSD with Advisor (B) to Hon'ble Lt. Governor.
6. Additional Secretary (Law), Health and Medical Education Department for information
7. Private Secretary to Secretary to the Government, H&ME Department.
8. Concerned Official.
9. In charge Website, H&ME Department.
10. Government Order file/Stock file. (w.2.s.c)


(Pamposh Ganju)

Under Secretary to the Government,
Health and Medical Education Department.


27/06.

