

Government of Jammu and Kashmir  
General Administration Department

(1976)

12/11/2001

Subject:- Regularization of adhoc appointments against non-gazetted posts made by various Departments.

Reference:- Cabinet decision No. 135/11(B) dated 10-9-2001.

Government Order No : 1285 -GAD of 2001  
Dated : 6-11-2001

Whereas, in the Writ Petition No. SWP 283/94 titled Uttam Singh, who was working on a Class-IV post on adhoc basis) V/s. State of Jammu and Kashmir and others, and connected Writ Petitions, the Hon'ble High Court of J&K in its judgement dated 12-2-1998 inter-alia observed as under:-

"I am of the opinion that he becomes entitled to regularization in terms of Rules of 1994. The stand taken by respondent-State that the petitioner was an adhoc employee and, therefore, he would not be entitled to regularization, cannot be sustained. The case of an adhoc employee cannot be worse than a daily rated worker. The observations made by the Supreme Court of India in the case of "State of Haryana Vs Piara Singh", AIR 1992 SC 2130 would also be attracted...."

".....The petitioner, Uttam Singh, shall be entitled to continuity of service. He would also be entitled to all back wages and other consequential benefits."

Whereas, under the Jammu and Kashmir Daily Rated Workers Regularization Rules, 1994, a daily rated worker engaged prior to 31-1-1994 is eligible for regularization after seven years of continuous service;

Whereas, a number of appointments have also been made on adhoc basis in different Government Departments and the Government is of the view that their cases also need be considered in the light of the broad principles discussed by the Hon'ble High Court in its judgement referred to above i.e they be also considered for regularization after putting in seven years continuous service like daily wagers appointed prior to 31-1-1994.

Now, therefore, it is hereby ordered that all adhoc appointees to non-gated posts recruited from time to time beyond 29-12-1988 till the date of issue of this order who are still in service be considered for regularization after completing seven years of continuous service from the date of appointment dispensing with reference of posts held by them to Service Selection Board subject to the following conditions, that :-

he/she is a permanent resident of J&K State;

on the date of his/her initial appointment his/her age was within the minimum and maximum age limit as prescribed for appointment in Government Service.

- (3) he/she possesses the prescribed academic and/or technical qualification for the post against which he/she is required to be regularized;
- (4) he/she is not retiree from any State or Central Government Service or any local body, Public Sector Undertaking or Autonomous Body in or outside the State;
- (5) his/her work and conduct has remained satisfactory during the period he/she worked as adhoc appointee and no disciplinary proceedings or vigilance case is pending against him/her; and
- (6) he/she has completed seven years continuous period of working as adhoc employee;
- (7) the orders of regularization of adhoc employees will be issued by the concerned administrative departments after getting the cases screened/cleared by the Committee constituted for regularization of daily rated workers.
- (8) the regularization will apply only in respect of appointments made against direct quota posts.

*It is further ordered that:-*

- a) all Administrative Departments shall communicate to the Services Selection Board the particulars of all such posts occupied by the adhoc appointees which stand already referred to the SSRB and inform the Board that all such posts shall be deemed to have been withdrawn from it after particulars of such posts are received by them.
- b) henceforth no department shall make adhoc appointment without explicit approval of the HCM in coordination as required in terms of Rule 14 of the J&K CC/ Rules, 1956. Any officer found to have violated the rules shall be dealt with severely.
- c) in respect of all cases of Gazetted Officers appointed on adhoc basis the posts may be referred immediately to the Public Service Commission, if not already done, after, however, seeking prior clearance from the Standing Screening Committee constituted vide Government Order No. 129-F of 2001 dated 7-4-2001.

By order of the Government of Jammu and Kashmir.

*(R.K. Jerath)*  
(R.K. Jerath) S.I.I.

Commissioner/ Secretary to Government  
General Administration Department  
Dated: 6 -11-2001

No:GDC-38/CM/2001

Copy to the:-

1. All Financial Commissioners to Government
2. All Principal Secretaries to Government
3. Principal Secretary to His Excellency the Governor
4. Principal Secretary to Hon'ble Chief Minister
5. All Commissioner/Secretaries to Government
6. Resident Commissioner, J&K Government, New Delhi
7. Divisional Commissioner Jammu/ Kashmir
8. All Heads of the Departments

Contd