

**UNION TERRITORY OF JAMMU & KASHMIR
DIRECTORATE OF HEALTH SERVICES, JAMMU**

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Subject: -CCP(S) No. 775/2019 in WP (C) No. 3720/2019 titled Parveen Kumar & Ors Vs Amit Duloo & anr.

ORDER

Whereas, the writ petition filed by the petitioners bearing WP(C) No:-3720/2019 titled Parveen Kumar & Ors Vs State of J&K and Others was disposed of by the Hon'ble High Court of J&K and Ladakh at Jammu, on 10-10-2019, with the judgment/order whose operative portion reads as under:-

"Accordingly, the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioners for their regularization as projected in the writ petition and in terms of judgments titled "Ashok Kumar V. State of J&K and others" reported in 2003 (Supp.) JKJ 93 and "State of J&K and others Vs. Mushtaq Ahmed Sohail and others reported in 2012(4) JKJ 1051 and having regard to Govt. Order No.1285-GAD of 2001 dated 06.11.2001, provided the petitioners are similarly situated and fulfill the eligibility criteria as also the aforesaid judgments and Govt. Order are applicable to their cases, of course, under rules, within a period of two months from the date of receipt of copy of this order."

And whereas, the respondents had considered the claim of the petitioners by passing a consideration Order bearing No:- DHSJ/Legal/15968-69, dated 29-01-2020 and thereafter filed the compliance report.

And whereas, the Hon'ble High Court of J&K and Ladakh in the subject captioned contempt petition filed by the petitioners, on 28-08-2023, was pleased to pass the following order: -

"Learned counsel for the petitioners submits that the compliance report filed by the respondents is not in conformity with the judgment dated 10.10.2019 passed by this Court, as such,

learned counsel for the respondents is directed to file fresh compliance report indicating the compliance of the said judgment in letter and spirit.

List on 06.10.2023.”

And whereas, in compliance to Hon'ble Court orders, the claim of the petitioners has been accorded fresh consideration in light of record and sought out that the petitioners were initially appointed in the department on Adhoc/stop gap/contractual/make shift arrangements on different dates ranging from the year 1992 to 2003, on different categories of posts and their services have been regularized in terms of J&K Civil Services (Special Provision) Act, 2010 vide different Government Orders issued vide dated. 06-07-2012, 25-04-2013 & 19-03-2013.

And whereas, the petitioners by filing the writ petition bearing WP (C) No:-3720/2019 titled Parveen Kumar & Ors Vs State of J&K and others had sought directions upon the respondents to regularize the service of the petitioners in view of Govt. Order No:- 1285-GAD of 2001, dated 06-11-2001 retrospectively from the date each petitioner had completed 7 years' service keeping in view the mandate of the judgements passed by the Hon'ble Court in the cases titled Ashok Kumar Vs State of J&K and Ors and State of J&K and Ors Vs Mushtaq Ahmed Sohail and ors.

And whereas, the claim of the petitioners has been examined and considered in the light of Govt. Order No:-1285-GAD of 2001, dated 06-11-2001, which dealt with regularization of Adhoc appointments against non-gazetted posts made by various departments and found that said government order was modified by virtue of Govt. Order No:-168-GAD of 2004, dated 09-02-2004 which provides as under:-

“Now, therefore, in supersession of Govt. Order 1285-GAD of 2001, dated 06-11-2001, it is hereby ordered as under:-

- i. All Adhoc appointments made after 28-07-1989 onwards and which continued in service till the date of issue of this order shall be converted into contractual appointments w.e.f. 1st Feb, 2004, and these contractual appointments shall subsists till 31st Dec 2004 or till selections against*

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