



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

Near MLA Hostel, Indira Chowk Jammu, J&K Pin: 180001

E-mail: dhsjammu@rediffmail.com, dhsjammu@gmail.com

Tel. No. : 0191 - 2546338, 0191-2549632 Fax No. 0191-2549632

Subject:-O.A./61/1151/2021 titled Kapoor Chand Vs UT of J&K & Ors.

ORDER

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench has disposed of the subject captioned case, on 06-08-2021, with the judgment whose operative portion reads as under:-

"In view of the submissions made by the learned counsel for the applicant, the O.A. is disposed of with a direction to the respondents to treat this OA as a representation of the applicant and taking into consideration the averments made in the OA, they shall consider the case of the applicant for regularization of his service with consequential benefits, as per existing rules, and pass a reasoned and speaking order, within a period of two months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant forthwith."

Whereas, the applicant by virtue of filing the above titled Original Application has sought directions to regularize the services of the applicant w.e.f. 2001 with all service benefits/arrears of pay of regularization of the grade of Class-IV post and also all the retiral benefits, including monthly pension w.e.f. the date of superannuation of the applicant i.e. 01-12-2019, and;

Whereas, as per record available in this Directorate, the applicant was appointed as consolidated safaiwala in the department and presently he is no more in Government service having attained the age of retirement, and;

Whereas, regularization of services of the employees working in the departments on Adhoc/Contractual/Consolidated basis is regulated under J&K Civil Services (Special Provisions) Act, 2010. The First proviso to Section 5 of the J&K Civil Services (Special Provisions) Act 2010 provides that *"Provided that the regularization of the eligible adhoc or contractual or consolidated appointees under this Act shall have effect only from the date of such regularization irrespective of the fact that such appointees have completed more than seven years of service on the appointed date or thereafter but before such regularization."*

Whereas, before the case for regularization of services of the applicant in terms of J&K Civil Services (Special Provision) Act, 2010 could be

considered by the department, the applicant attained the age of retirement from Government services and presently he is not in service of the department. Under the Act there is no provision of regularization of services retrospectively or counting of services rendered prior to regularization. The J&K Civil Services (Special Provision) Act, 2010 does not provide either for counting the services rendered on Adhoc/Contractual/consolidated basis prior to regularization or release of pensionary/retiral benefits.

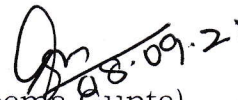
Now, therefore, the case of the applicant for regularization of his services rendered on consolidated basis in the department prior to his retirement is considered in terms of J&K Civil Services (Special Provision) Act, 2010 and found devoid of merit, hence rejected.

Sd/-
Dr. Renu Sharma
Director Health Services,
Jammu

No:-DHSJ/Legal/ 8122-25
Copy to the:-

Dated: - 08 /09/2021

1. Chief Medical Officer, Udhampur for information.
2. Block Medical Officer, Ramnagar for information.
3. Health Education Bureau, DHS, Jammu to upload the order on official website of the department.
4. Sh. Kapoor Chand S/O Sh. Sandokhu R/O Village Rang, Tehsil Ram Nagar, District Udhampur-182101 for information.


(Dr. Seema Gupta)
Dy. Director Health Services (Sch),
Jammu

