



Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, J&K

Subject:- Regularization of Mr. Ravinder Kumar Raina (Razdan) Works Supervisor (Migrant) Retired.

Reference: No. CE/Estab/2285-86 dated 27.12.2021 from Chief Engineer, PW(R&B) Department, Jammu.

Government order No 51 -PW(R&B) of 2021

Dated: 08.02.2022

Whereas, Shri Ravinder Kumar Raina (Razdan) was appointed as Works Supervisor on work charge basis by the Chief Engineer vide order No. CEP/86 of 1981 dated 07.8.1981; and

Whereas, the applicant namely Mr. Ravinder Kumar Raina (Razdan) Works Supervisor (Retired) through the medium of representation dated 16.01.2018 requested therein for his regularization as Works Supervisor on the analogy of Smt. Neelam Koul regularized vide Government order No. 274- PWD(R&B) of 2006 dated 20.07.2006; and

Whereas, the representation of the applicant was examined and forwarded to the Chief engineer , PW(R&B) Department Jammu for furnishing factual details in the matter; and

Whereas, the Chief Engineer, PW(R&B) Department, Jammu vide his communication No. CEJ/Estab/129-30 dated 24.04.2017 intimated that Sh. Ravinder Kumar Razdan and Smt. Neelam Koul were drawing their leave salary from Construction Division-III Jammu as work charge Works Supervisors; and

Whereas the matter was examined in the department and referred to Finance Department for regularization of Shri Ravinder Kumar Razdan (Raina) work Charge work Supervisor on regular establishment; and

Whereas, the Finance department vide UO No. A/58(2005)-189 dated 21.08.2018 returned the case with following observation:-

"The proposal has been examined and the department is advised to furnish the following documents, duly countersigned by the HOD concerned in the first instance

continuity certificate from the date of appointment to the date the incumbent attended his duties.

salary/wages statement from date of appointment to the date the incumbent quitted his services.

copy of appointment order, if any".

Whereas, the above observations of Finance Department were conveyed to the Chief Engineer PW(R&B) Department Jammu for necessary clarification/furnishing of requisite documents; and

Whereas, the Chief engineer PW(R&B) Department Jammu vide communication No. CE/Estab/22-24 dated 08.04.2019 intimated that Shri Ravinder Kumar Razdan was appointed on 10.09.1981 as Works Supervisor (work charge) by the Chief Engineer Projects Organization J&K Soura Srinagar vide order No. CEP/86 of 1981 dated 07.08.1981 and was drawing his salary from Executive Engineer High Court Division No-1 Shiekhbag Srinagar; and

Whereas, the applicant migrated to Jammu and has drawn his salary for the periods 02/1990 to 10/1990 from Chief Engineer Office Jammu, 11/1990 from Medical College Division Jammu and 12/1990 to 02/2003 from Executive Engineer Division No-1 Jammu; and

Whereas, the case was further examined in the department and again referred to the Finance Department for consideration; and

Whereas, the Finance Department vide U.O. No. A/58(2005)-107 dated 14-02-2020 followed by U.O. A/58(2005)-137 dated 19.11.2020 requested the department to provide the copy of continuation order under which the incumbent was allowed to continue as work supervisor; and

Whereas, the above observations of Finance Department were conveyed to the Chief Engineer PW (R&B) Jammu vide this department's letter dated 16.12.2020; and

Whereas, the Chief Engineer PW (R&B) Jammu vide his communication No. CEJ/Estab/S/2463-64 dated 11.02.2021 intimated as under:-

"That Executive Engineer PW (R&B) Const. Division No.III, Jammu vide communication No 13321-22 dated 22.01.2021 has informed that the concerned retired official was asked to submit the papers regarding his first appointment order and continuation Order as desired by the higher authorities, but the retiree has intimated through his representation that it is not possible for him to trace the copy of appointment/continuation order due to migration after lapse of more than 30 years, as the office where he was appointed stands already closed by the Government. Moreover, almost all the records of some offices has been damaged due to the devastating floods in September, 2014 in Kashmir Division and appointment order No and date stands recorded in his service book. Further, the concerned Executive Engineer has intimated that the retiree has continuously drawn his salary as per the salary statement already submitted to this Department"

Whereas, the matter was again referred to Finance Department, who in turn returned the case vide U.O. No A/58(2005)-165 dated 23.04.2021 with the following advice:-

The case has been examined since SRO-64 and SRO-520 are being reviewed on the advice of General Administration Department, as such, the department is advised to approach General Administration Department :

Whereas, in light of the advice of Finance Department, the case was referred to the General Administration Department, who in turn returned the case vide U.O. No. GAD-CORD/35/2021-09-GAD dated 15.6.2021 with the following advice:-

"Since the regularization schemes which were in vogue in the erstwhile State of Jammu and Kashmir are under administrative scrutiny with regard to their constitutional validity, as such, the department should firm up the course of action/decision in the matter at administrative level and only then after refer the case for approval of competent authority in terms of the notified Government Business Procedure and Delegation of Powers. However, the department should also furnish the factual summary, reasons of non-settlement of case and officials responsible for the delay"



Whereas, the petitioner has filed the application for grant of interim relief in the Hon'ble Central Administrative Tribunal Jammu, Bench on the following grounds:-

- a) Mandamus directing the respondents to regularize his services w.e.f. 01.04.1999 in the same manner and on the same terms and conditions as has been done in the case of the private respondent who is junior to the petitioner and stands regularized way back in the year 2006 with effect from 01.04.1999.
- b) That also release all the pensionary benefits including pension, gratuity, commutation and Encashment of leave salary, with interest at the rate of not less than 12% per annum from the date of his retirement 31.05.2018.
- c) Directing the respondents to release all the arrears of salary as accrue to him after regularization of his services retrospectively with effect from 01.4.1999.

Whereas, the Hon'ble Central Administrative Tribunal Jammu Bench, vide order dated 03 November, 2021 disposed of O.A. No. 61/1661/2021 titled Ravinder Kumar Raina (Razdan) V/s UT of J&K Ors with the following directions :-

"Looking to the limited prayer made by the learned counsel for the applicant, the O.A. is disposed of with directions to the respondents to treat the O.A. as representation of the applicant and consider the case of the applicant for regularization w.e.f. 01.04.1999 in the same manner and on the same terms and conditions as has been done in the case of the private respondent and also to consider the release of the pensionary benefits including pension, gratuity, commutation and encashment of leave salary with interest at the rate of 12% per annum from the date of his retirement on 31.05.2018 in accordance with rules. The respondents will pass a reasoned and speaking order in this order and communicate the same to the applicant within a period of two months from the date of receipt of a certified copy of this order"

Now, therefore in compliance to order of the Hon'ble CAT and in light of the advise of the General Administration Department, the case of the applicant (Ravinder Kumar Raina) (Razdan)- Retired has been examined and found that his claims would be considered after decision on regularization schemes with regard to their constitutional validity is taken by the UT Government which is under examination in the General Administration Department.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Public Works (R&B) Department

Dated: 08.02.2022

No:PWD-NGAZ0CIV/12/2021-05

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Director, Archives, Archeology and Museum Department, J&K
4. Chief Engineer, PW(R&B) Department, Jammu.
5. Senior Law Officer, Public Works (R&B) Department.
6. Advocate, Mr. Rajesh Thappa, Learned D.A.G. Central Administrative Tribunal Jammu Bench, Jammu.
7. Pvt. Secretary to the Principal Secretary to the Government, PW(R&B) Department.
8. Concerned.
9. Incharge website, PW(R&B) Department.
10. Government order file/Monday return.

(Hamid Hameed)

Under Secretary to the Government