

INTHE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 882/2021

HILAL AHMAD WANI

...Appellant(s)/Petitioner(s)

Through: Ms. Laraib Anjileena, Advocate vice Mr. Arif Sikander, Adv.

Vs.

COMMISSIONER/ SECRETARY TO
GOVERNMENT AND ORS.

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
17.12.2024

Petitioner- Hilal Ahmad Wani who has been registered under the Jammu and Kashmir Registration of Tourism Trade Act, 1978, to carry on the business as Photographer in Shalimar Garden. According to him, the official respondents vide Government Order No. 17-Flori/G&P of 2018 dated 23.02.2018, have laid down the guidelines for grant of permits to the registered photographers to enter in the Parks & Gardens for photography purposes. Rule 9 of the Guidelines authorizes Director, Floriculture, to transfer the photographers from one park to another park for a fixed period. He submits that he had made a representation before the Assistant Floriculture officer, Cheshmashahi, Srinagar, for his transfer from Shalimar Garden to Cheshmashahi Garden and the said Assistant Floriculture officer, Cheshmashahi vide D. O. No. AFO/MGC/1374 dated 06.10.2018 addressed to the Floriculture Officer, Mughal Gardens, Srinagar Kashmir has stated that Cheshmashahi Garden is having ten number of photographers and the applicant can be adjusted as a photographer in the Cheshmashahi Garden on humanitarian grounds. It was communicated by the Floriculture Officer, Mughal Garden to the Director, Floriculture, Gardens and Parks Department,

Srinagar that he has no objection in shifting the petitioner from Shalimar Garden to Cheshmashahi Garden. According to the petitioner, no decision has been taken by the Director, Floriculture, Gardens and Parks. He has filed representations, but same have not been decided.

In view of the aforesaid, petitioner seeks a direction to the respondents to transfer him from Shalimar Garden to Cheshmashahi Garden in pursuance of Rule 9 of Government Order No. 17-Flori/G&P of 2018 dated 23.02.2018.

Objections have been filed by the respondents who have raised preliminary objection that petitioner's petition is not maintainable as there is no merit in his claim and he has not come to the Court with clean hands so far as the existing guidelines are concerned.

Petitioner's counsel has not disputed the same. But it is submitted by learned counsel for the respondents Mr. Syed Musaib, Dy. AG that the petitioner cannot claim transfer as a matter of right from one Garden to another Garden. It is further submitted that petitioner's representation seeking transfer from Shalimar Garden to Cheshmashahi Garden would be considered strictly in accordance with the provisions of guidelines in vogue concerning the subject in question.

Learned counsel for the petitioner submits that he would be satisfied, if his case is considered for his transfer strictly in accordance with provisions of law and guidelines provided for the same.

Therefore, in view of the above, this writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner for his transfer from Shalimar Garden to Cheshmashahi Garden strictly in accordance with the rules applicable to the subject. Same be done within a period of two months.

Disposed of as above along with connected CM(s).

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
17.12.2024
"Imtiyaz"