

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CPSW No. 42/2018 in
SWP No. 2773/2012

Date of Pronouncement: 03.12.2025

Uploaded on 08.12.2025

Ishtiyag Ahmed and others

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

Through: Mr. R Koul, Advocate

vs

Shaleen Kabra, IAS

..... Respondent(s)

Through: Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
03.12.2025

1. In the instant contempt petition, the petitioners herein have alleged non-compliance of order dated 07.12.2016, in terms whereof, while disposing of the writ petition of the petitioners being SWP No. 2773/2012, the Chief Engineer, Public Health Engineering Department, Jammu came to be directed to consider the case of the petitioners for engagement as casual/seasonal labourers in light of the recommendations contained in communication dated 16.08.2011, 10.09.2011 and 25.10.2011, while quashing the communication under challenge in the petition dated 12.07.2012 and also directing further that a decision with regard to the unpaid wage, if any, payable to the petitioners shall be taken by the Chief Engineer and concluding specifically therein the said order that the Court did not express any opinion on the merits of the claim of the petitioners.
2. The respondents/contemnors have filed multiple responses/statement of facts/compliance reports from time to time in response to the contempt

petition and have lastly filed one on 14.02.2025, wherein it is being, inter-alia, stated that the earlier statement of facts filed by the Under Secretary, Jal Shakti Department is endorsed and is factually final reiterating the earlier stand that the petitioners' case for engagement as casual/seasonal labourers was found to be devoid of any merit and rejected and that the communications referred in the order dated 16.08.2011, 10.09.2011 and 25.10.2011 relied upon by the petitioners in the writ petition for their engagement/re-engagement were merely recommendatory letters being in fact a permission sought by the Executive Engineer concerned from the concerned Superintendent Engineer to allow the petitioners to join their services, as also for utilization of their services on need basis and that since the Government imposed a ban on engagement of casual and seasonal labourers vide Government order dated 17.03.2015, the claim of the petitioners was found to be unsustainable.

Heard counsel for the parties and perused the record.

3. As has been noticed in the preceding paras, the Court while disposing of the writ petition of the petitioners in terms of order dated 07.12.2016 (supra) specifically provided that the Court did not express any opinion on the merits of the claims of the petitioners, thus, manifestly suggesting that the Court did not determine or else adjudicated upon the claim projected by the petitioners in the writ petition, inasmuch as, the reply filed thereto by the respondents on merits, but disposed of the petition merely on the consent of the appearing counsel for the parties, with the innocuous directions to the respondents to consider the case of the petitioners for engagement/re-engagement as casual/seasonal labourers in light of the

communication dated 16.08.2011, 10.09.2011 and 25.10.2011, which consideration, seemingly, has been accorded by the respondents/contemnors in tune and line with the said directions.

4. In view of the aforesaid position obtaining in the matter, the respondents cannot, but be said to have complied with the directions contained in the order dated 07.12.2016.
5. Resultantly, the contempt notice issued is recalled and proceedings are *closed*.

Jammu
03.12.2025
Rahul Sharma



(Javed Iqbal Wani)
Judge