

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

**Reserved on: 08.08.2025.
Pronounced on: 02.09.2025**

WP(C) No. 1819/2024 c/w
WP(C) No.1820/2024
WP(C) No.1821/2024
WP(C) No.1822/2024
WP(C) No.1823/2024
WP(C) No.1824/2024
WP(C) No.2042/2024
WP(C) No. 2474/2024

WP(C) No. 1819/2024

Munawar Hussain, Age 44 years Petitioner(s)
S/O Nazir Hussain
R/O Fatehpur
Tehsil & District Rajouri
Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi Respondent(s)
District Rajouri Through its President.
2. Executive Officer, Municipal Committee,
Thana Mandi District Rajouri
3. Director Urban Local Bodies, Jammu.
Through: Mr. S. S. Nanda, Sr. AAG.

WP(C) No.1820/2024

1. Mohd. Faraz, Age 38 years
S/O Abdul Rashid
R/O Rajouri Petitioner(s)
Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi
District Rajouri, through its President.
2. Executive Officer, Municipal Committee,
Thana Mandi, District Rajouri
3. Director Urban Local Bodies, Jammu.
..... Respondent(s)
Through: Mr. S. S. Nanda, Sr. AAG

WP(C) No. 1821/2024

Iftkhar Sayeed, Age 45 years
S/O Mohd. Sayeed
R/O Thanamandi,
District Rajouri Petitioner(s)
Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi
District Rajouri through its President.
 2. Executive Officer, Municipal Committee,
Thana Mandi, District Rajouri
 3. Director Urban Local Bodies, Jammu. . Respondent(s)
- Through: Mr. S. S. Nanda, Sr. AAG

WP(C) No. 1822/2024

Shamshir Ahmed, Age 37 years
S/O Fazal Hussain
R/O Dodasan, Thanamandi,
District Rajouri. Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi
District Rajouri through its President.
 2. Executive Officer, Municipal Committee,
Thana Mandi, District Rajouri
 3. Director Urban Local Bodies, Jammu. Respondent(s)
- Through: Mr. S. S. Nanda, Sr. AAG.

WP(C) No. 1823/2024

Musrit Begum, Age 48 years
D/O Maqool Hussain
R/O Thanamandi,
District Rajouri. Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee, Thana Mandi
District Rajouri through its President.
2. Executive Officer, Municipal Committee,
Thana Mandi, District Rajouri
3. Director Urban Local Bodies, Jammu. Respondent(s)

Through: Mr. S. S. Nanda, Sr. AAG

WP(C) No. 1824/2024

Mohd. Qasim, Age 57 years
S/O Mohd. Akber
R/O Dodasan, Thanamandi
District Rajouri. Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi
District Rajouri through its President.
2. Executive Officer, Municipal Committee,
Thana Mandi; District Rajouri

3. Director Urban Local Bodies, Jammu.

. Respondent(s)

Through: Mr. S. S. Nanda, Sr. AAG

WP(C) No. 2042/2024

CM No. 4959/2024

Zareena Begum, Age 48 years

S/O Mohd. Abdullah

R/O Thanamandi,

District Rajouri

..... Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi
District Rajouri through its President.

2. Executive Officer, Municipal Committee,
Thana Mandi, District Rajouri

3. Director Urban Local Bodies, Jammu.

..... Respondent(s)

Through: Mr. S. S. Nanda, Sr. AAG.

WP(C) No.2474/2024

Shoket Hayat Shawl Age 50 years

S/O Abdul Rahim Shawl

R/O Shawl Mohallah Thanamandi

District Rajouri.

..... Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Advocate.

VS

1. Municipal Committee Thana Mandi
District Rajouri through its President.

2. Executive Officer, Municipal Committee,
Thana Mandi, District Rajouri

3. Director Urban Local Bodies, Jammu.

..... Respondent(s)

Through: Mr. S. S. Nanda, Sr. AAG

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

JUDGMENT

1. In all the above titled writ petitions (08 in number), common questions of fact and law are involved and, therefore, all these petitions are heard analogously and proposed to be disposed of by this common judgment.

2. Shorn of minute details, facts which give rise to filing of these petitions are as follows:

WP(C) No. 1819/2024

3. The petitioner-Munawar Hussain, by the medium of this writ petition, challenges the impugned Order No. 133-DULBJ of 2024 dated 24.07.2024, whereby the respondent-Director Urban Local Bodies, Jammu, revoked his regularization and terminated his services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2005 due to a shortage of regular staff; that his engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2010, the President of the Municipal Committee ordered his regularization, subject to confirmation by the Director Urban Local Bodies, which was duly granted on 22.02.2011, that, thereafter, the petitioner served on a permanent substantive basis and his service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which he replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying him the same benefit amounts to discrimination.

WP(C) No. 1820/2024

4. The petitioner-Mohd Faraz, by the medium of this writ petition, challenges the impugned Order No. 136-DULBJ of 2024 dated 24.07.2024

whereby the respondent-Director Urban Local Bodies, Jammu, revoked his regularization and terminated his services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2005 due to a shortage of regular staff; that his engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2010, the President of the Municipal Committee ordered his regularization, subject to confirmation by the Director Urban Local Bodies, which was duly granted on 14.09.2010, that, thereafter, the petitioner served on a permanent basis and his service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which he replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying him the same benefit amounts to discrimination.

WP(C) No. 1821/2024

5. The petitioner-Iftkhar Sayeed, by the medium of this writ petition, challenges the impugned Order No. 131-DULBJ of 2024 dated 24.07.2024 whereby the respondent-Director Urban Local Bodies, Jammu, revoked his regularization and terminated his services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2005 due to a shortage of regular staff; that his engagement was formally approved through a municipal resolution and later continued as a

daily-rated employee. In 2010, the President of the Municipal Committee ordered his regularization, subject to confirmation by the Director Urban Local Bodies, which was duly granted on 11.02.2011, that, thereafter, the petitioner served on a permanent basis and his service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which he replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying him the same benefit amounts to discrimination.

WP(C) No. 1822/2024

6. The petitioner-Shamshir Ahmed, by the medium of this writ petition, challenges the impugned Order No. 135-DULBJ of 2024 dated 24.07.2024, whereby the respondent-Director Urban Local Bodies, Jammu, revoked his regularization and terminated his services asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2005 due to a shortage of regular staff; that his engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2010, the President of the Municipal Committee ordered his regularization, subject to confirmation by the Director Urban Local Bodies, which was duly granted on 14.09.2010, that, thereafter, the petitioner served on a permanent basis and his service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which he replied on 10.07.2024 denying the charges. He asserts that no

inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying him the same benefit amounts to discrimination.

WP(C) No. 1823/2024

7. The petitioner-Musrit Begum, by the medium of this writ petition, challenges the impugned Order No. 132-DULBJ of 2024 dated 24.07.2024, whereby the respondent-Director Urban Local Bodies, Jammu, revoked her regularization and terminated her services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2005 due to a shortage of regular staff; that her engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2010, the President of the Municipal Committee ordered her regularization, subject to confirmation by the Director Urban Local Bodies, which was duly granted on 22.02.2011, that, thereafter, the petitioner served on a permanent basis and her service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which she replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying her the same benefit amounts to discrimination.

WP(C) No. 1824/2024

8. The petitioner-Mohd. Qasim, by the medium of this writ petition, challenges the impugned Order No. 134-DULBJ of 2024 dated 24.07.2024, whereby the respondent-Director Urban Local Bodies, Jammu, revoked his regularization and terminated his services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2005 due to a shortage of regular staff; that his engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2010, the President of the Municipal Committee ordered his regularization, subject to confirmation by the Director Urban Local Bodies, which was duly granted on 22.02.2011, that, thereafter, the petitioner served on a permanent basis and his service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which he replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying him the same benefit amounts to discrimination.

WP(C) No. 2042/2024

9. The petitioner-Zareena Begum, by the medium of this writ petition, challenges the impugned Order No. 138-DULBJ of 2024 dated 24.07.2024, whereby the respondent-Director Urban Local Bodies, Jammu, revoked her regularization and terminated her services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee

Thanna Mandi in 2008 due to a shortage of regular staff; that her engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2013, the Executive Office/Tehsildar, Municipal Committee, Thanamandi ordered her regularization, subject to confirmation by the Director Urban Local Bodies, that, thereafter, the petitioner served on a permanent basis and her service book was prepared; that in July 2024, the petitioner received a show-cause notice alleging illegal appointment, to which she replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying her the same benefit amounts to discrimination.

WP(C) No. 2474/2024

10. The petitioner-Shoket Hayat Shawl, by the medium of this writ petition, challenges the impugned Order No. 137-DULBJ of 2024 dated 24.07.2024, whereby the respondent-Director Urban Local Bodies, Jammu, revoked his regularization and terminated his services, asserting therein that the petitioner was initially engaged as a casual/daily wager by the Municipal Committee Thanna Mandi in 2008 due to a shortage of regular staff; that his engagement was formally approved through a municipal resolution and later continued as a daily-rated employee. In 2013, the Executive Office/Tehsildar, Municipal Committee, Thanamandi ordered his regularization, subject to confirmation by the Director Urban Local Bodies, that, thereafter, the petitioner served on a permanent basis and his service book was prepared; that in July 2024, the

petitioner received a show-cause notice alleging illegal appointment, to which he replied on 10.07.2024 denying the charges. He asserts that no inquiry or charge sheet was initiated in accordance with the applicable rules before passing the termination order. The petitioner also highlights that in similar circumstances in 2014, the Director Urban Local Bodies granted relaxation in age and qualification for regularization to others, and claims that denying him the same benefit amounts to discrimination.

Objections on behalf of the respondents

11. The respondents in their reply/objections to the petitions assert that their appointments and regularization were made without following due procedure, rules, or statutory provisions, as the engagements in 2005 were done arbitrarily without any recruitment rules in force; that the J&K Urban Local Body Institutions (Management) Service Recruitment Rules, 2008, (SRO-417/2008) prescribe that appointments must be made through direct recruitment, promotion, or a combination thereof, with posts referred to the Selection Agency; that the petitioners' appointments were allegedly made directly by the President of the Municipal Committee without authority or adherence to these rules, making it illegal. The regularization made in the years 2010, 2011 and 2013 also violated the 2008 rules; that subsequent complaints, regarding illegal appointments urged the Deputy Commissioner, Rajouri, to constitute a fact-finding committee in the year 2023; that a proper enquiry was got conducted and the petitioners were given an opportunity to respond; that the enquiry confirmed unauthorized regularizations and record tampering in the Municipal Committee; that disciplinary action was recommended, and the Housing & Urban Development Department directed termination of such illegal beneficiaries,

including the petitioners; that the Anti-Corruption Bureau also opined that officials had no authority to make such appointments, citing SRO-417 provisions. Lastly, it is asserted in the objections that the writ petitions deserve dismissal as petitioners have been lawfully terminated following legal provisions.

Submissions on behalf of petitioners

12. Mr. Kotwal, learned counsel appearing on behalf of the petitioners submits that prior to 2008, there were no recruitment Rules and appointments were made under Municipal Act; that petitioners were admittedly appointed without authority but were terminated only on issuance of Show-cause notices dated 02.07.2024 and no regular enquiry was conducted; that the services of the petitioners were regularized before framing of Recruitment Rules and earlier actions were protected; that the engagement orders of the petitioners were confirmed by the Directorate of Urban Local Bodies; that the petitioners have served for more than 20 years, even if they were appointed by incompetent authority, as such, their removal/termination without following due process of law was bad and cannot be countenanced.

13. Mr. Kotwal further argued that the petitioners were engaged by the President of the Committee having been authorized by the respondents and the services of the petitioners were also regularized by the President of the Municipal Committee, Thanamandi for which approval from the competent authority i.e. Director, Local Bodies also been obtained. He, further, argued that it does not lie in the mouth of the respondents to take a turn about and contend that the engagements or regularizations of the petitioners were not in accordance

with law. Even if, the services of the petitioners have been regularized wrongly they are also entitled to be heard as a principle of natural justice before any action be taken for their removal from service, as the same offends the constitutional provisions.

Submissions on behalf of Respondents:

14. Mr. S. S. Nanda, learned Sr. AAG has argued that the very engagements of the petitioners as well as their regularization was by an incompetent authority, as President of the Municipal Committee was not authorized under any law or rules to engage or appoint any of the petitioners against the posts to which they were appointed illegally and arbitrarily. As such, in view of engagements/regularizations being illegal, there was no need to hold an enquiry or to issue any show-cause notice to the petitioners before their termination. The termination ordered by the Government was perfectly in consonance with law and does not call for any interference by this court.

15. Heard learned counsel for the parties at length and considered the matter.

16. As per the perusal of the record produced by the respondents, all the petitioners were engaged prior to 2008 when admittedly the Recruitment Rules for the service of employees of Municipal Bodies, were not in place. The engagements had been ordered by the Municipal Committee, Thanamandi, purportedly under Section 34 of the Municipal Act. It is borne from the record that the petitioners had been engaged and were further approved by the Municipal Committee Thanamandi, subject to the confirmation by the Directorate of Urban Local Bodies. The Director had also granted confirmation in case of petitioners namely Manawar Hussain, Mohd. Faraz, Iftikhar Sayeed,

Shamshir Ahmed, Musrit Begum and Mohd. Qasim vide orders dated 22.02.2011, 14.09.2010, 11.02.2011, 14.09.2010, 11.02.2011 and 22.02.2011, respectively. As such, the services of the aforesaid petitioners seem to have been regularized by the competent authority and all the earlier actions taken were protected by the Rules of 2008.

17. The termination of all the petitioners had been ordered by the respondents on a report formulated by Deputy Commissioner of the District concerned. Most of the petitioners Manawar Hussain, Mohd. Faraz, Iftikhar Sayeed, Shamshir Ahmed, Musrit Begum and Mohd. Qasim had served over a period of two decades with the respondents, whereas the petitioners-Zareena Begum and Showkat Hayat Shawl, who are engaged in 2008 and were regularized in the year 2013, have also been on the rolls of the respondent Municipal Committee Thanamandi, for the last 16 years.

18. Hon'ble the Apex Court in a case '**Delhi Transport Corporation V. DTC Mazdoor Congress & Others**, reported as **(1991) AIR (SC) 101** held that an employee in a public employment must not be arbitrarily deprived of his/her livelihood which is ensured in continued employment till it is terminated in accordance with just, fair and reasonable procedure. Paragraph 311 of the said judgment being relevant, is extracted as under:

“311. Thus it could be held that [Art. 14](#) read with 16(1) accords right to an equality or an equal treatment consistent with the principles of natural justice. Any law made or action taken by the employer, corporate statutory or instrumentality under [Article 12](#) must act fairly, justly and reasonably. Right to fair treatment is an essential inbuilt of natural justice. Exercise of unbridled and uncanalised discretionary power impinges

upon the right of the citizen; vesting of discretion is no wrong provided it is exercised purposively judiciously and without prejudice. Wider the discretion, the greater the chances of abuse. Absolute discretion is destructive of freedom. than of man's other inventions. Absolute discretion marks the beginning of the end of the liberty. The conferment of absolute power to dismiss a permanent employee is antithesis to justness or fair treatment. The exercise of discretionary power wide of mark would breed arbitrary, unreasonable or unfair actions and would not be consistent with reason and justice. The provisions of a statute, regulations or rules that empower an employer or the 'management to dismiss, remove or reduce in rank of an employee, must be consistent with just, reasonable and fair procedure. It would, further, be held that right to public employment which includes right to continued public employment till the employee is superannuated as per rules or compulsorily retired or duly terminated in accordance with the procedure established by law is an integral part of right to livelihood which in turn is an integral facet of right to life assured by [Art.21](#) of the Constitution. Any procedure prescribed to deprive such a right to livelihood or continued employment must be just, fair and reasonable procedure. In other words an employee in a public employment also must not be arbitrarily unjustly and unreasonably be deprived of his/her livelihood which is ensured in continued employment till it is terminated in accordance with just, fair and reasonable procedure. Otherwise any law or rule in violation thereof is void.

19. In ‘**Parveeza Akther V. State & Ors**’ reported as **2009 (4) JKJ [HC] 303**, this court held that the termination order is rendered void-abnatio if the same has been passed without following requirements of Principles of Natural Justice. The relevant paragraph of the said judgment is reproduced as:

“5. Admittedly in this case, no procedure as provided in Rule 33 of Rules 1956 has been followed, as no charge sheet has been framed, no enquiry has been conducted. The impugned order also reveals so, which is also admitted in the para 4 of the reply, that whatever has been done by respondent No.2 was done at the back of petitioner. Respondent no.2 arrived at conclusion that petitioner entered into service on the strength of forged appointment order and while arriving at such conclusion admittedly no show cause notice was issued to the petitioner to explain her position. The impugned order besides having infringed the safeguards available to the petitioner as provided by the constitutional provisions as also in the statutory rules (supra), has also stigmatized the petitioner. The petitioner was entitled to be heard which right admittedly has been denied to her. The impugned order in the facts of this case is rendered void-abintio having been issued without following requirements of Principle of Natural Justice.”

20. In **Mubarak Ahmad Bhat v. State & Ors.**, reported as **2011 Legal Eagle (J&K) 259**, this Court in paragraph 5 held as under:

“5. The principles of natural justice demand that even right of hearing is to be given to such a person who legally has acquired some right or a person who genuinely came to be appointed or engaged and not to the person who adopts illegal means to accomplish his desire of making entry in the public service. A Government employee is an essential component of the machinery that helps to keep the public order intact and in lieu thereof gets paid the salary as per his ability. The right of wages, is a precious right, and is available only to such persons, who make their entry into Govt. service by legal means. At a time when unemployment is a global challenge in general and in our State in particular; educated but unemployed youth are dying to get a chance to serve the public

machinery; when courts are burdened with heavy litigations on this count; when even the street vending has fallen in the hands of educated persons; the people like petitioner cannot be allowed to drain out such a valuable and highly sought after treasure.

21. In ‘**State & Ors. V. Abdul Rashid Lone**’ reported as **2012 Legal Eagle (J&K) 122**, a Division Bench of this court while holding the termination order bad in the eyes of law for not following the principle of natural justice has held as follows:

“21. We cannot resist to place it on record that the security of the State has to be a major concern for all those, who believe in rule of law. No stone should be left unturned to ensure that human civilization does not become the casualty at the hands of anti-human and anti-national element. To achieve the said purpose, the State is duty bound to take the corrective measures, which would include the termination of a Govt. employee from service. But while doing so, the principles of natural justice and the safeguards which are extended to a Govt. employee by the constitution and statute, have to be followed very strictly, which is wanting in the case on hand, consequently, success of the writ petitioner in his cause and failure of the appellants-State to follow the law, being writ at large, we are left with no option but to agree with the impugned judgment.”

22. This Court in a case titled ‘**Hanef V. Union of India**’ reported as **2013 Legal Eagle (J&K) 709** in paragraphs 7 & 8 held as under:

“7. The star question which emerged for consideration is as to whether order of termination impugned is valid or not. The respondents being disciplined Force cannot compromise on the security and a person working in Defence Force must be above suspicion.

8. It appears that the case of the petitioner has been brought within suspicion zone so as to pave the way for his exit. If the petitioner would have been so suspicious, respondents would not have permitted him to render service for twenty five years. He has been President of the Union, if on that basis, his activities have irked the respondents, that was not a valid ground for showing exit to the petitioner and deprive him of his livelihood.

23. A Division Bench of this court in judgment dated 17.02.2025 in case **WP(C) No. 289/2025** titled '**Union Territory of J&K V. Arskam Imtyaz Malik**', has held that the services of the respondent could not have been dispensed with, without affording an opportunity of being heard and without following the principles of natural justice which, were not resorted to by the petitioners therein.

24. Section 307 of the Municipal Act provides that the appointment can be made with approval of the Government or any other officer nominated in this behalf. Section 35 of the Act appears to have authorized Director as the competent officer in this behalf. Even in terms of the SRO 417 of 2008, it has been provided for approval of the appointment to be accorded by the Director Urban Local Bodies. In absence of the Rules with regard to recruitment, the engagement, continuance and regularization by the President of the Municipal Committee, thus, cannot be stated to be illegal or arbitrary, particularly so, when the regularization was also later approved by the Director, Urban Local Bodies. The recruitment rules had been notified vide SRO No. 417/2008 which provides the procedure for the recruitment, under various posts mentioned in Schedule II appended with this SRO 417 as also the appointment, promotion, reservation of such posts.

25. The contention of the learned counsel for the respondents that an enquiry had been conducted by the Deputy Commissioner, Rajouri who had described these appointments as illegal and back door, in view of the provisions of Section 263 of the Municipal Act which provides control of Deputy Commissioner over the local bodies is concerned. Though the fact-finding report may have been formulated by the local Deputy Commissioner on the basis of the record and after issuance of show-cause notice to the petitioners, the same cannot be termed to be a departmental enquiry. Based on the fact-finding report formulated by the Deputy Commissioner, the respondents, particularly, the Directorate of Urban Local Bodies was under an obligation to order enquiry and in this process, the principle of natural justice asking the petitioners to show cause with regard to their removal should have been adopted. The petitioners on the approval of regularization granted by the respondents Director Urban Local Bodies can be stated to be holding substantive post and their removal could have been possible only after following due process of law i.e. issuance of show-cause notice and all other requirements in a regular departmental enquiry.

26. Having regard to the aforesaid discussion and the facts and circumstances of the case, this court is of the considered opinion that the impugned orders whereby the petitioners had been ordered to be terminated from their services has been passed arbitrarily by the respondents, without adopting due course of law and without affording an opportunity of being heard. In this view of the matter, the orders impugned are not sustainable.

27. Viewed thus, all the petitions are allowed and the following impugned orders are hereby quashed.

(i) Order No.131-DULBJ of 2024 dated 24.07.2024;

- (ii) Order No.132-DULBJ of 2024 dated 24.07.2024;
- (iii) Order No.133-DULBJ of 2024 dated 24.07.2024;
- (iv) Order No.134-DULBJ of 2024 dated 24.07.2024;
- (v) Order No.135-DULBJ of 2024 dated 24.07.2024;
- (vi) Order No.136-DULBJ of 2024 dated 24.07.2024;
- (vii) Order No.137-DULBJ of 2024 dated 24.07.2024; and
- (viii) Order No.138-DULBJ of 2024 dated 24.07.2024

28. The respondents, nevertheless, shall be at liberty to proceed against the petitioners in accordance with law, afresh, if they deem it necessary.

29. This judgment shall be placed across all the eight clubbed files, before being consigned to records. Departmental Record is ordered to be returned to the respondents through learned Sr. AAG.

30. All the writ petitions are, accordingly, disposed of, along with application(s).

(MA Chowdhary)
Judge

Jammu
02.09.2025
Raj Kumar

Whether the order is reportable?	Yes.
Whether the order is speaking?	Yes