Sr. No. 04

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

**Case No. :- WP(C) No. 1415/2023**

*Reserved on:* *15.09.2025*
*Pronounced on:* *31.10.2025*
*Uploaded on:* *03 .11.2025*

*Whether the operative part or full judgment is pronounced* ***O. part***

**Nazir Ahmad Bhat and ors.** …. **Petitioner(s)**

Through:- Mr. Sheikh Mushtaq, Advocate.

V/s

**UT of Jammu and Kashmir and ors.** **….Respondent(s)**

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Through:- Mr. Faheem Shah, GA.
Mr. Tasaduq Hussain, Advocate.

**Case No. :- WP(C) No. 411/2023**

**Nazir Ahmad Bhat and ors.** …. **Petitioner(s)**

Through:- Mr. Sheikh Mushtaq, Advocate.

V/s

**UT of Jammu and Kashmir and ors.** **….Respondent(s)**

Through:- Mr. Faheem Shah, GA.
Mr. Tasaduq Hussain, Advocate.

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

**JUDGMENT**

1. The issues involved in the instant petitions are akin and analogous to each other, as such, the petitions are being disposed of, at this stage, with the consent of appearing counsels for the parties.

**WP(C) No. 1415/2023**

2. (i) The petitioners in the instant petition have prayed for the following reliefs:-

> ***a. Writ of Mandamus commanding upon the respondents to accord consideration for inclusion of petitioners for***

***registration on MC portal for purpose of regularization of their services in terms ofSRO-520 of 2017.***

***b. Writ of Mandamus commanding upon the respondents to allow the petitioners to discharge their duties till their case is considered for regularization and other consequential benefits from the date the petitioners completed of their 7 years services and release wages in favor of the petitioners without causing any impediment in the same.***

***c. A writ of Mandamus commanding upon the respondents to prepare and fix the seniority of the petitioners along with other eligible candidates/workers.***

***d. A writ of prohibition prohibiting the respondents to take any action on the bases of communication Vide No.SE/O&M/GBLAS/6438-39 dated 31-03-2021 and ensure that the petitioners and other bonafidely candidates are not deprived of the benefit of regularization by resorting to arbitrary, selective and back door engagement in the respondent department. The Hon'ble Court may as well be pleased to direct appropriate action for inclusion of candidates in the communication dated 31.03.2021byrestoring to favoritism and back door engagements of 37candidates.***

***e. Any other writ, order, or direction which this Hon'ble Court may deem proper in the attending circumstances of the case may also be issued in favor of the petitioners and against the respondents."***

(ii) The aforesaid reliefs are prayed on the premise that the petitioners came to be engaged as permanent daily rated workers in the respondent department in the year 2012, 2013, 2014 & 2015 respectively before imposition of ban by the Government in terms of Government Order No. 43-F of 2015 dated 17.03.2015 and that the respondent 3 in terms of Communication dated 14.07.2017 furnished an information regarding 608 daily rated workers to respondent 1 herein working in Sub-Transmission Division (STD) Ganderbal for consideration of their cases under the provisions of SRO 520 of 2017 for their regular engagement and in the said list, the petitioners figured at Serial Nos. 569, 557, 596, 590 29, 44, 47, 52, 54, 73, 77, 81, 92, 94, 95, 114, 119, 128, 143, 150, 159, 162, 163, 165, 167, 18l, 186, 187, 188, 189, 196, 197, 199, 200, 201, 202, 203, 207, 217, 227, 235, 239, 265, 286, 299, 303, 310, 311, 318,

321, 307, 407, 409, 411, 425, 431, 439, 440, 443, 448, 452, 456, 461, 465, 469, 475, 476, 483, 484, 487, 489, 494, 501, 502, 503, 507, 519, 521,525, 531, 537, 540, 548, 550, 552, 558, 561, 562, 566, 573 575, 580, 583, 584, 587, 591, 595, 598, 599, 600, 605 & 607 and that in the year 2018 as well, the respondent 6 in terms of Communication No. CE/M & RE/55991-92/DPC dated 10.02.2018 furnished another list of 68 left over need based workers to respondent 5, who had been engaged before the imposition of ban contained in order dated 17.03.2017 and in the said list, the petitioner Nos. 103-119 are figuring at Serial Nos. 3, 4, 5, 20, 26, 27, 28, 30, 31, 32, 33, 39, 46, 51, 55, 64 & 66 and that thereafter the respondent 5, in terms of Communication dated 31.03.2021, furnished a list of 472 casual/need based workers working in PDD Wing Ganderbal to respondent 4, however, dropping therein the names of the petitioners figuring at Serial Nos. 3, 6, 9, 16, 26, 36, 38, 24, 51,77, 124, 187, 188, 189, 210, 215, 256, 258, 269, 261, 290, 312,322, 335, 347, 348, 366, 367, 368, 370, 432, 433, 436, 447, 449, 460 & 467 for appropriate action under the provisions of SRO 520 of 2017 and in fact in the said list, the names of 37 candidates were arbitrarily and illegally included against the names of the petitioners, as the said 37 candidates were not earlier included in the lists prepared by the respondents and the petitioners, thus, aggrieved of the said list dated 31.03.2021 as well as dropping of the petitioners from the said list, maintained the instant petition on the premise that non-inclusion of the names of the petitioners in the list dated 31.03.2021 deprives them of their consideration for regularization under SRO 520 of 2017 despite the fact the petitioners having put in regular continuous service.

**3.** ***Objections*** to the instant petition have been filed by the official respondents, wherein the petition is being opposed*, inter-alia,* on the premise that none of the legal, constitutional and fundamental rights of the petitioners have been infringed or violated, while admitting that the petitioners were engaged on temporary basis as and when required by the answering respondents and were also paid the wages for the period they worked and that the petitioners' CVs have been found prepared after imposition of the ban imposed by the Government vide Order dated 17.03.2025, as such, the names of the petitioners were not forwarded to the higher authorities for further necessary action and that the allegations made against the answering respondents are false, as the respondents have not made any backdoor appointments of 37 PDL/TDL and that the said 37 appointees had been engaged prior to the imposition of ban envisaged under order dated 17.03.2015 and also their CVs were found in the records of the concerned Division as well as their wages were found to have been released to them before imposition of the ban and that none of the petitioners are currently working on the muster rolls, as such, are not entitled to the benefits of SRO 520 of 2017 and that since the names of the petitioners were not traced from the records including muster rolls although their CV's were found to have been drawn after imposition of ban, the petitioners were not, thus, included in the list of 472 appointees prepared by the answering respondents and that merely uploading of Adhaars of the petitioners did not entitle them to the benefits under SRO 520 of 2017, as they were not found existing in the muster rolls or else

working in the department and, therefore, not being similarly situated with 472 appointees, the petitioners cannot claim any parity with them.

**WP(C) No. 411/2024**

**4.** In the instant petition, the petitioners have prayed for the following reliefs:-

> ***a. Writ of Certioari, quashing the impugned seniority list No. SE/DBM/KPDCL/GBL/DPC-4507-13 dated 23.12.2023 to the extent of the private respondents, inasmuch as the same is illegal, bad in la and having been passed in violation of the judgment passed in LPA No. 147 of 2023 titled Nazir Ahmad Bhat and ors. Vs. UT of J&K and ors.***
>
> ***Or in alternative***
>
> ***b. Writ of Mandamus, commanding upon the respondents, to include the names of the petitioners in the afore-stated list, at their appropriate places and submit the case of the petitioners before the competent authority for according the benefit of regularization to the petitioners in accordance with the law.***
>
> ***c. Writ of Prohibition, prohibiting the respondents, to act upon the impugned seniority list to the prejudice of rights of the petitioners.***
>
> ***d. Any other relief, order, or direction, which this Hon'ble Court deems fit and proper, may also be granted in favour of the petitioner and against the respondents under the facts and circumstances of the case."***

**(i)** The instant petition came to be filed by the petitioners during the pendency of WP(C) No. 1415/2023 (supra) after the official respondents issued a tentative list of PDL's/TDL's of District Ganderbal/Bandipura vide Circular dated 23.12.2023 and according to the petitioners, the said list came to be drawn and framed by the official respondents, ignoring the claim of the petitioners being similarly situated to the private respondents, whose names were included in the said list dated 23.12.2023 and that although the petitioners owing to the non-inclusion of their names earlier by the official respondents in the list of PDL's/TDL's, the petitioners had filed WP(C) 1415/2023, challenging their said non-inclusion, as also depriving them of their regularization

under SRO 520 of 2017 in which petition, the Court did not initially pass any interim order, which compelled the petitioners to file a Letters Patent Appeal before the Division Bench being LPA No. 147/2023, which came to be disposed of on 09.08.2023 by providing that if the services of the appellants therein before the Appellate Court being petitioners herein have not been terminated, their services be not discontinued and their legitimate entitlements may be given to them, while further providing that since the interim order is passed before the filing of response by the respondents, the respondents can seek modification of the interim order before the learned Single Judge and that the official respondents could not have issued the Circular dated 23.12.2023 as the claim of the petitioners was sub-judice before this Court in WP(C) No. 1415/2023 (supra) and, as such, the circular is bad in law and that though the objections to the said Circular came to be submitted by the petitioners, the said objections were not considered, thus, necessitating the filing of the instant petition.

**5.** ***Objections*** to the instant petition have also been filed by the official respondents, wherein the petition is being opposed on the ground that the petitioners were engaged on temporary basis as and when required by the answering respondents and have been paid their wages for the period they worked, while reiterating that the CV's of the petitioners were found to have been prepared after the imposition of ban by the Government vide order dated 17.03.2015, as such, the names of the petitioners were not included in the list of 472 PDL's/TDL's and that the petitioners have concealed and suppressed the material fact that pursuant to an order of the Managing Director dated 14.07.2022, a Committee

came to be constituted for conducting an in-depth inquiry in the matter of alleged fraud and manipulation in the daily wagers' list of STD-Ganderbal, which Committee under the Chairmanship of Superintending Engineer O&M submitted a report on 12.04.2023 and that the in-depth inquiry conducted by the said Committee found that 128 persons including the petitioners herein do not exist on regular wages list/muster rolls of the Division/Sub-Division and their CV's were found to have been prepared after imposition of the ban and that 465 number of PDL's/TDL's/need based workers are on rolls and physically working in STD-Ganderbal at present, who are receiving regular wages and that the said report was duly acknowledged and accepted by the Administrative Department in terms of Letter dated 10.05.2024.

**Heard learned counsel for the parties and perused the record including the inquiry report produced by the learned counsel for the respondents.**

**6.** It is significant to mention here that in terms of order dated 16.12.2024, a better affidavit has been filed by the respondents 5 & 6, wherein it has been stated that the petitioners were engaged on temporary basis as and when required and have been paid for the work rendered by them and that the CV's of the petitioners were found to have been prepared after imposition of the ban by the Government, as such, the names of the petitioners were not forwarded to the higher ups for further necessary action and that none of the petitioners are currently working on the muster rolls of the department and, as such, are not entitled to the benefits under SRO 520 of 2017, reiterating therein in the said affidavit that a Committee was constituted by the Managing Director in the matter

in terms of the order dated 14.07.2022, which Committee headed by the Superintending Engineer O&M Circle-Ganderbal inquired into the issues and submitted a detailed report on 12.04.2023 and found that 128 persons including the petitioners do not exist on regular wage list/muster rolls of the Division/Sub-Divisions and that CV's of the said persons were found to have been prepared after imposition of ban.

**7.** Having regard to the case set up by the petitioners in both the petitions, the fundamental grievance projected is that they were engaged and have been working as daily rated workers with the respondents and that their names were included in the list of Daily Wager prepared by the official respondents earlier, however, later their names were not included in the list of 472 PDL's/TDL's framed by the respondents, which non-inclusion deprived the petitioners from seeking their regularization under and in terms of SRO 520 of 2017 and that in place of the petitioners, the respondents included 37 appointees therein in the said list arbitrarily at the cost of the petitioners.

**8.** Record tends to show that the aforesaid grievance of the petitioners has been vehemently opposed, controverted and resisted by the official respondents in the reply filed to the petitions, primarily, on the basis of a report of inquiry Committee constituted by the Managing Director O&M. A closer examination of the said report would reveal that the Committee consisted of the Chairman being Superintending Engineer O&M Circle Ganderbal, as also the two members being Technical Officer to Chief Engineer (Distribution) as well as the Administrative Officer (Distribution), besides various co-opted officers for rendering assistance

the Committee in conducting verification and investigation in the matter in a transparent manner and it also gets reveals that the Committee had sought and obtained records from the concerned Division being Sub-Transmission Division, Ganderbal and consequently, found that 465 number of PDL's/TDL's/need based workers are on rolls and are physically working in STD-Ganderbal at present excluding the petitioners herein.

**9.** Having regard to the aforesaid position obtaining in the matter, i.e., the findings of the aforesaid Inquiry Committee, which report indisputably has not been either objected to by the petitioners or else thrown challenge to the till date, the respondents cannot be said to have faulted in the matter or else infringed any of the rights of the petitioners, entitling them to invoke the extraordinary writ jurisdiction of this Court.

**10.** Viewed, thus, for what has been observed, considered and analyzed hereinabove, the writ petitions fail and are, accordingly, ***dismissed*** along with connected applications.

**(JAVED IQBAL WANI)**
**JUDGE**

**JAMMU**
**31.10.2025**
Ram Krishan

***Whether the order is speaking?*** ***Yes***
***Whether the order is reportable?*** ***Yes/No***

Ram Krishan
2025.11.03 14:16
I attest to the accuracy and
integrity of this document