

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

WP (C) No. 3943/2019

1. **Jozy Majid (40 Years)**
D/O Abdul Majid Naik
R/O Khaloora, Kulgam.
2. **Muneera (38 Years)**
D/O Ghulam Mohidin Wani
R/O Malven, Kulgam.
3. **Gousia Jan (37 Years)**
D/O Mohammad Amin Sheikh
R/O Lammer, Kulgam.
4. **Haseena Akhtar (38 Years)**
W/O Ali Mohammad Hajam
R/O Hajam Mohalla,
Wattoo, Kulgam.
5. **Sarwa Akhter (41 Years)**
D/O Abdul Rashid Bhat
R/O Lammer, Kulgam.
6. **Rafia (39 Years)**
D/O Wani Abdul Salam
R/O Ashthal, Kulgam.
7. **Nadreena Sakeen (39 Years)**
D/O Gh. Mohi-ud-Din Jan
R/O Shahoo, Kulgam.
8. **Summy Jan (40 Years)**
W/O Khurshid Ahmad Mir
R/O Chatripora, Kulgam.

... Petitioner(s)

Through: -

Mr Mir Naveed Gul, Advocate.

V/s

1. **Union Territory of Jammu & Kashmir,**
Through Commissioner/ Secretary to Govt.,
Social Welfare Department,
Civil Secretariat, Srinagar/ Jammu.
2. **Director, Social Welfare,**
Kashmir, Srinagar.

3. Mission Director,
ICDS, Srinagar.
4. District Programme Officer,
ICDS, Kulgam.
5. Child Development Project Officer,
ICDS Project, Pahloo, Kulgam.

... Respondent(s)

Through: -

Ms Nadiya Abdullah, Assisting Counsel vice

Mr T. A. Lone, Dy. AG.

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

15.09.2026

01. The Petitioners, through the medium of the instant Writ Petition, which has been filed way back in the year 2019 under Article 226 of the Constitution of India, seek a direction in the name of the Respondents, thereby directing them to allow the Petitioners to continue and function as Anganwadi Workers in their respective Anganwadi Centres without causing any hindrance, impediment or interference, whatsoever, with regard to such functioning. Besides, the Petitioners also seek direction upon the Respondents to release the legitimately earned wages/ salary in their favour.

02. The Petitioners claim to have been engaged as Anganwadi Helpers in different centres of the ICDS Project, Pahloo; that some frivolous complaints came to be filed wherein it was alleged that the engagement orders of aforesaid centre have been issued without following the procedure prescribed in terms of Government Order No. 07-SW of 2010 dated 18th of January, 2010, resultantly, the Respondent-Department constituted a Committee in order to ascertain the genuineness of the said complaints; that, before the enquiry proceedings could have been culminated, the Respondents started interfering in the arrangements on which the Petitioners were working, constraining some of the Petitioners herein to approach this Court by way of SWP No. 2244/2015, wherein this Court, in terms of Order dated 13th of October, 2015, directed the

Respondents to maintain *status quo* and release the due salary of the Petitioners.

03. It is further stated by the Petitioners that, thereafter, on 11th of May, 2016, the Respondents ordered an enquiry regarding engagement of Anganwadi Workers and Helpers in ICDS Project D. H. Pora and Pahloo, for which a team of officers was constituted headed by Additional Deputy Commissioner, Kulgam; that the said Committee prepared a report wherein the Petitioners were not at all heard and the list of Anganwadi Centres were notified and declared as frozen and the engagement of Anganwadi Workers and Helpers were kept in abeyance; that the said report of the Committee formally crystalized into an Order bearing No. 168-SMD of 2016 dated 2nd of September, 2016, which was issued by the Respondent No.3, whereby the engagement orders of those figuring in the frozen list of Anganwadi engagements prepared by the Committee were directed to be kept in abeyance.

04. It is next pleaded by the Petitioners that, under the aforesaid circumstances, the Petitioners filed a Writ Petition bearing SWP No. 416/2018 before this Court, wherein an Order came to be passed on 2nd of March, 2018, thereby directing that the status of the Petitioners shall not be disturbed; that even after service of the said Order on the Respondents, the salary of the Petitioners was not being released in their favour, which constrained them to move an application bearing I.A. No. 02/2018 before this Court in the aforementioned Writ Petition, wherein this Court, in terms of Order dated 18th of December, 2018, directed the Respondents to release the legitimately earned salary in favour of the Petitioners, in accordance with law.

05. The Petitioners further proceed to state that, despite service of aforesaid Order on the Respondents, the salary of the Petitioners was not released in their favour, instead, the Respondents again started interfering in the functioning of the Petitioners as Anganwadi Helpers, thereby compelling the Petitioners to file the instant Writ Petition.

06. The Respondents, on being put to notice, have filed their Objections, resisting the averments made by the Petitioners in their Petition.

It has been stated that the Anganwadi Centres where the Petitioners had managed their illegal engagements have remained non-functional from the year 2014, as such, the Petitioners have never discharged their duties, therefore, the question of releasing the earned wages in their favour would be to perpetuate their illegal continuation which is impermissible under law; that, after conducting a thorough and detailed enquiry in the matter, a detailed report came to be submitted to the Government, wherein it was clearly held that neither any advertisement nor any proper procedure was followed/ adopted in the matter of engagement of various Anganwadi Helpers, including the Petitioners herein, besides some fake engagement orders were found and, as such, the Enquiry Officer, accordingly, recommended cancellation of those engagements, wherein proper procedure had not been followed; that the Petitioners have concealed and suppressed the aforesaid material facts before this Court and have, therefore, succeeded in getting the interim orders from the Court.

07. Mr Mir Naveed Gul, the learned Counsel appearing for the Petitioners, would submit that since the present Writ Petition has been filed way back in the year 2019, therefore, notwithstanding the merits of the case, the Petitioners shall feel satisfied in the event this Writ Petition is disposed of at this stage with a direction to the Respondents to treat the same as representation on behalf of the Petitioners, consider the grievance raised therein by the Petitioners and pass appropriate orders thereon, within some reasonable timeframe.

08. Ms Nadiya Abdullah, learned Assisting Counsel to Mr T. A. Lone, Deputy Advocate General, submits that the Respondents shall have no objection in case the Writ Petition is disposed of, with a direction to the Respondents to consider the claim of the Petitioners as projected in the Writ Petition in accordance with the rules/ law governing the subject.

09. Having regard to the aforesaid facts and circumstances of the case, coupled with the consensus of the learned Counsel appearing for the parties, this Writ Petition is **disposed** of at this stage with a direction to the Respondents to treat the present Writ Petition as a representation on behalf of the Petitioners, consider the grievance espoused therein by the Petitioners

and pass appropriate orders thereon as per law/ rules governing the field, expeditiously, preferably within a period of ten (10) weeks, from the date of receipt of certified copy of this Order, along with copy of Writ Petition and all its annexures. Interim direction(s) shall continue until decision by the Respondents in terms of this Order.

10. Writ Petition is, thus, **disposed** of on the above terms, along with any CM(s) pending therewith.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR

September 15th, 2026

"TAHIR"

