

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 345/2020 CM(667/2020)

GHULAM QADIR KUMAR AND ORS

...Petitioner/Appellant(s)

Through: Mr. Bilal Ahmad Khan, Advocate.

Vs.

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AG.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

25.04.2025

ORAL

1. The petitioners in the instant petition filed under Article 226 of the Constitution have pleaded that on the recommendation of respondent 5 herein, the petitioners came to be allowed to operate and manage dewatering stations handed over by JKERA to Srinagar Municipal Corporation in the year 2015 vide order No. 1418 of 2015 dated 31st October 2015 and continue to discharge their duties as such in the said dewatering stations as daily wagers/casual laborers, and that on account of their continuous working inasmuch as perennial need by the respondent Corporation, the case of the petitioners came to be recommended by respondent 4 for permanent adjustment in terms of Letter No. SE/D/SMC672-73 dated 16th May 2016 to the Commissioner, Srinagar Municipal Corporation. However, in disregard of the said recommendation, inasmuch as the rendering of continuous service by the petitioners, the respondent Corporation contemplated to replace the petitioners and engaged new appointees in

place of the petitioners, compelling the petitioners to maintain the instant petition and seek following reliefs: -

- a. A writ of Mandamus, may be issued by virtue of which the respondents may be directed to confirm services of petitioners on permanent basis as they are working as daily wagers in 04 number of dewatering Stations since more than 05 years of their continuous service by which the petitioners have gained much experience in the said field.
- b. A writ of Mandamus, may be issued by virtue of which the respondents may be directed not to disturb the present status of the petitioners till the scheme is in operation.
- c. A Writ of Mandamus, may be issued by virtue of which the respondents may be directed before engaging any other person/s in these dewatering Stations, the petitioners shall be given first preference as per their experience gained in the field.
- d. A Writ of Mandamus, may be issued by virtue of which the respondents may be directed to pay all consequential service benefits from the date due to the petitioner arising out of the post of which presently petitioners are holding.

2. **Objections** to the petition have been filed by respondents wherein the petition is being opposed, however, it is being admitted that the dewatering stations after being taken over by the Corporation were taken over along with the petitioners who had been engaged for maintaining and operating the said dewatering stations and were allowed to continue purely on need basis till a suitable arrangement for operation of such dewatering stations is made by the Corporation.

It is also being admitted that the wages of the petitioners stands released and credited in their respective bank accounts and that the petitioners have been allowed to continue to work as casual labourers on need basis with a break after every 89 days. However, it is being stated that the petitioners have no right to seek either regularization or confirmation in the Corporation.

Heard counsel for the parties and perused the record.

3. Having regard the respective pleadings of the parties coupled with the submissions made by the appearing counsel for the parties, it is deemed appropriate to dispose of the petition at this stage.
4. Accordingly, with the consent of the appearing counsel for the parties, the instant petition is disposed of with a direction to respondents to allow the petitioners to continue in the arrangement for operating and managing the dewatering stations in question wherein the petitioners have been engaged and allowed by the respondent Corporation to work till such time regular/appointment for the purpose is made in accordance with law and applicable rules and the respondents shall not till then replace or substitute the petitioners and in the event the respondents contemplate to make regular appointment for running and operating the dewatering stations in question they shall consider the petitioners as well, provided the petitioners fulfill the eligibility prescribed in this regard.
5. Disposed of.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

25.04.2025

Ishaq

<i>Whether the order is speaking?</i>	<i>Yes/No</i>
<i>Whether the order is reportable ?</i>	<i>Yes/No</i>