

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

SWP 693/2016

SWP 2554/2015

SWP 317/2017

MISS NAZIA GULL AND OTHERS

...Petitioner(s)

Through: Mr. Asif, Advocate vice

Mr. Shakir Haqani, Advocate in SWP No. 693/2016 for P-3

Mr. Suhail Mehraj, Advocate vice

Mr. Anees-ul-Islam, Advocate in SWP No. 693/2016 for P-1, 2, 4
& 5

Ms. Mehak Wani, Advocate vice

Mr. M.I. Dar, Sr. Advocate in SWP Nos. 2554/2015 & 317/2017

Vs.

STATE AND OTHERS

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

03.02.2025

SWP No.2554/2015

1. The petitioner, Zahoor Ahmad Wani, came forward with the institution of present writ petition on the purported status of being engaged by the President Municipal Committee, Hajin, as a Demolition Guard by virtue of an order issued under an endorsement no. MC/H/Estt/07/395-98 dated 15th December, 2007 and is working, as such but being denied salary for the last some months before institution of the writ petition which took place on 26th November, 2015.
2. In response to the writ petition, this Court, in terms of order dated 27th November, 2015, came forward directing status quo vis-a-vis the then present position of the petitioner and

also for consideration of release of due salary in favour of the petitioner in accordance with rules meaning thereby in case if the petitioner was working as Demolition Guard in Municipal Committee, Hajin, then the petitioner was to continue as such without any wage deprivation.

3. While the aforesaid writ petition was pending, the petitioner-Zahoor Ahmad Wani, came forward with the institution of a second writ petition bearing SWP No. 317/2017 instituted on 27th February 2017 to challenge the course of action emanating out of issuance of an order No. DULB/CC/564/12/PS/959 dated 7th December, 2016 in terms whereof the petitioner's claim for release of due wages in accordance with the rules having been considered in compliance to the directions of this Court given in terms of order dated 27th November, 2015 passed in SWP No. 2554/2015, was found to be without any merit and hence rejected.
4. The premise upon which the Order No. DULB/CC/564/12/PS/959 dated 7th December, 2016 came to be passed was that all the illegal appointments having been made in the Department of Urban Local Bodies Kashmir (Municipal Councils/Committees of Kashmir Division) are under active investigation/probe/scrutiny of a High Level Committee of the Government constituted vide Government

Order No. 110-HUD of 2011 dated 20th April, 2011 and Government Order No. 134-HUD of 2011 dated 3rd June, 2011 read with investigation of FIR Nos. 13/2013, 14/2013 and 15/2013 by the Crime Branch Police Kashmir.

5. The petitioner was reported to be not existing on the roll of the Municipal Committee.
6. By virtue of an order dated 12th December, 2022 in SWP No. 2554 of 2015, the writ petition was directed to be listed along with the subsequently filed writ petition SWP No. 317/2017 with the petitioner being common i.e., Zahoor Ahmad Wani, as such, these two writ petitions are meant to be disposed of by common judgement.
7. These two writ petitions are, however, in the company of a 3rd writ petition SWP No. 693/2016 filed by five petitioners. The five petitioners in the writ petition SWP No. 693/2016 have also grievances of their disengagement as Class-IV employees of Municipal Committee, Hajin. However, the case of the petitioners in writ petition SWP No. 693/2015 may not be identically placed as that of petitioner Zahoor Ahmad Wani in his two writ petitions bearing SWP Nos 2554/2015 and 317/2017 and as such the writ petition SWP No. 693/2016 needs to be de-tagged.

8. Registry to keep SWP No. 2554/2015 and SWP No. 317/2017 as two tagged writ petitions and list on 5th March, 2025 and detag SWP No. 693/2016.

SWP 693/2016

9. Out of five petitioners, the petitioner no. 3 is represented by Mr. Shaikir Haqani, Advocate, whereas for the rest of the petitioners originally it was Advocate Mr. M. A. Beigh representing, who is said to be later superseded.

10. In the Cause List, the name of Advocate M. Anees Ul Islam is being reflected for the petitioners except for the petitioner No. 3. However, a perusal of the physical file as well as digital file would show that there is no *vakalatnama* (power of attorney) of Advocate M. Anees Ul Islam, Advocate obtaining on the record, meaning thereby appearance and reference of M. Anees Ul Islam, Advocate vis-a-vis the petitioners except the petitioner No. 3 is taking place by default. Unless and until *vakalatnama* on behalf of the petitioners in favour of Mr. M. Anees Ul Islam, Advocate is filed, the appearance of the petitioners except the petitioner No. 3 would go begging and may suffer dismissal of the writ petition viz-a-viz the said four petitioners.

11. Let *vakalatnama* be filed by M. Anees Ul Islam, Advocate on the next date of hearing failing which the writ petition on behalf of the petitioners No. 1, 2, 4 and 5 shall

suffer dismissal for non-appearance. Needful be done by or
before the next date of hearing.

12. List on 19th February, 2025

(RAHUL BHARTI)
JUDGE

SRINAGAR
03.02.2025
MUBASHIR

