
(2017) 04 J&K CK 0011
In the Jammu And Kashmir High Court
Case No : 2757 of 2015

Mohammad Maqbool Dar & Ors	Vs	APPELLANT
State of J&K & Ors		RESPONDENT

Date of Decision : 27-04-2017

Acts Referred:

Citation : (2017) 04 J&K CK 0011

Hon'ble Judges : Ramalingam Sudhakar

Bench : SINGLE BENCH

Advocate : Saima Mehboob, Sajad Ahmad Geelani

Final Decision : Disposed Of

Judgement

1. The writ petition is of the year 2015.
2. The relief sought in the writ petition is as follows:-
 - (A) A WRIT IN THE NATURE OF MANDAMUS commanding upon the respondents to reengage the petitioners on the same fashion and analogy as has been adopted in engaging a fresh batch of employees in the respondent department;
 - (B) A WRIT IN THE NATURE OF MANDAMUS commanding upon the respondents to consider the petitioners for their regularization after reengaging their services as casual labourers;
 - (C) A WRIT IN THE NATURE OF MANDAMUS commanding upon the respondents to release the due unpaid wages of the petitioners for the period they have worked in the respondent department.
3. Petitioners claim that they were working as casual labourers in the Sheep Husbandry Department but the respondents have disengaged their

services.

4. Learned counsel appearing for petitioners pleads that the respondents have not served any disengagement order on the petitioners.

5. It is to be borne in mind that once a set of persons engaged as casual labourers should not be disengaged and replaced by another set of casual

labourers to disentitle them lawful wages claims etc. A superior officer has to look into the grievance of Class IV employee of similar nature. It

affects the livelihood of the poor casual and daily rated employee. They allege that even minimum wages are not paid. They are hired and fired at

the will of the officers of the administrative department. There is no limit to the agony of a daily wager casual worker who also has a family and

children to look after. This pitiable living condition and poverty ridden life has to be considered because they serve as the backbone of

infrastructure development like laying of roads, cleaning and maintaining water channels for irrigation, civic maintenance etc.

6. Accepting the argument of learned counsel for respondents that the respondents will not pull wool over their eyes, the writ petition is disposed of

directing the respondents to consider the claim of the petitioners for their re-engagement as casual labourers if there is need. If they are already

engaged at all, their statutory rights be protected.

7. Respondents to consider the claim of the petitioners within a period of four weeks from the date copy of this order is served on them if not

already considered.

8. Writ petition alongwith connected MPs ordered as above.