

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

CDLSW No.127/2013
C/w
LPASW No.183/2013
CMA No.288/2013

Date of order: 29.01.2014

Nasreena Begum	v.	State of J&K and ors.
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Coram:

Hon’ble Mr. Justice M. M. Kumar, Chief Justice
Hon’ble Mr. Justice Dhiraj Singh Thakur, Judge

Appearing counsel:

For the appellant(s) : Mr. B.L.Kalgotra, Advocate.
For the respondent(s) :

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| i) | Whether to be reported
Press, Journal/Media | Yes/No |
| ii) | Whether to be reported in
Digest/Journal | Yes/No |
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M.M.Kumar,CJ

1. The appellant was one of the petitioners in SWP No.1102/2009 along with four other. She made the prayer for quashing order No.DCD/PA/2KG 1579-88 dated 06.05.2009 passed by Deputy Commissioner, Doda cancelling the engagement of petitioners as Anganwari Workers. A further direction was sought to the respondents to allow the petitioners to work in their respective Anganwari Centres. The relief claimed in the writ petition was identical to a large number of other petitions and was clubbed. After considering the submissions made by the learned counsel for the parties, learned Writ Court noticed the arguments and held that order dated 06.05.2009 was passed without affording any opportunity which resulted in cancellation of their engagement orders. The enquiry committee

also failed to hear them to show that they satisfy the eligibility criteria. It was also found that there was controversy on facts which could be resolved by the authorities better after hearing the parties with regard to their actual place of residence on last date of receipt of the applications. Keeping in view the aforesaid factual position, learned Single Judge issued the following directions.

- “1. The District Development Commissioner, Doda shall hold an inquiry into the matter, give the petitioners/selectees as also their objectors, fair and reasonable opportunity to project their respective stand as regard actual place of residence of the petitioners/selectees as also the objectors on the last date of receipt of the applications i.e., the date when eligibility of aspirant for a post/position is determined and forward his inquiry report to Director Social Welfare Department Jammu. The District Development Commissioner shall not delegate the inquiry to any office subordinate to him, though he may seek assistance and inputs from the field agencies like officers/officials of Revenue Department, Rural Development Department, Public Works Department or any other such department. The District Development Commissioner shall conclude the inquiry within six weeks from the date of receipt of this order and forward his report to Director Social Welfare Department, Jammu.
2. The District Development Commissioner shall also look into the controversies other than actual place of residence of the petitioners/selectees and objectors, raised by the parties, on the basis of record made available to him and the stand taken by the rival parties and also make report touching such controversies to Director Social Welfare Jammu within the aforesaid time frame.
3. The Director Social Welfare shall issue orders in accordance with rules, on the basis of report received from District Development Commissioner within two weeks after receipt of the report.”

2. We asked Mr. Kalgotra, learned counsel for the appellant that once the impugned order dated 06.05.2009 passed by the Deputy Commissioner, Doda has been nullified by virtue of

directions issued to the District Development Commissioner, Doda how her grievance would survive before the Letters Patent Bench. However, Mr. Kalgotra has stated that the appellant deserves to be granted the relief by issuing direction that she was validly selected candidate and she fulfills all the criteria.

3. Having heard the learned counsel and keeping in view that the directions were issued on 22.02.2013 granting six weeks' time for deciding the controversy by the District Development Commissioner, Doda, we find that no useful purpose would be served by undertaking any exercise. In fact, the appellant cannot claim that her grievance continue to persist. As a matter of fact, the grievance stands redressed by nullifying the effect of order dated 06.05.2009 and the period of six weeks is already over. If the controversy has not been decided in accordance with the directions issued by this Court then remedy lies elsewhere. Therefore, we are not inclined to entertain the appeal, which is even otherwise delayed by 220 days.

4. As a sequel to the above discussion, this appeal fails and the same is dismissed. No orders need to be passed on the application seeking condonation of delay.

(Dhiraj Singh Thakur)
Judge

(M. M. Kumar)
Chief Justice

Jammu,
29.01.2014.
Vinod.