

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

SWP No: 1317/2016

MP No. 01/2018 in

Date of order: 31.01.2018

Shubeena Farooq

Versus

Union of India and others

Coram:

Hon'ble Mr. Justice Sanjeev Kumar, Judge

Appearing Counsel:

For Petitioner(s)/Appellant(s): Mr. M. S. Reshi, Adv.

For Respondent(s): Mr. S. N. Ratanpuri, Adv.

Petitioner in this petition inter alia prayed for the following reliefs:

“...Issue of writ of Mandamus commanding the respondents allow the petitioner to continue on the present post, which she is holding, in Category D of Beautification and Hair Dressers, in the respondent department.

Issue a writ Mandamus commanding the respondents to pay salary to the petitioner @ 11550/- per month against the post presently held by her and be also commanded to release the withheld wages to the petitioner from April 2016 onwards.

Issue a writ of Mandamus commanding the official respondents to give the petitioner 07 assignments per month @ 1650/- per assignment as per the rules.

Issue a writ of Prohibition prohibiting the official respondents from substituting the services of the petitioner by any other person.”

The respondents have moved an application seeking dismissal of the writ petition on the ground that the relief claimed by the petitioner has since been granted by the respondents, as such the writ petition has become infructuous.

What is stated by the respondents in their application in paragraph (1) is reproduced as under:

“...That the above titled writ petition was filed by the petitioner praying therein for her engagement on casual assignment basis. It is respectfully submitted that reply to the writ petition was filed by the applicants/respondents, wherein it was specifically pleaded that the petitioner was not engaged as an employee by the respondents but was working on casual assignment basis as and when the work was available with the respondents. It is respectfully submitted that the petitioner prior to filing of the writ petition was being booked on casual assignment basis and w.e.f. December, 2016, the petitioner is working on casual assignment basis and is being booked for seven assignment in a month @ Rs. 1650/- per assignment. Since the prayer of the petitioner has been granted, the pendency of the instant writ petition will serve no purpose, therefore, the instant application is being filed by the applicants/respondents praying therein that since the grievance of the petitioner has been redressed, the instant writ petition be dismissed.”

In view of the clear stand taken by the respondents that the petitioner has been permitted to work on casual assignment basis and is being booked for seven assignments in a month @ Rs. 1650/- per assignment, therefore, there remain nothing for adjudication in this writ petition. This petition has thus been rendered infructuous and same is disposed of as such with liberty to the petitioner to approach this Court, if any cause still survives.

Disposed as above alongwith the connected MP(s).

(Sanjeev Kumar)
Judge

Srinagar
31.01.2018
Imtiyaz