

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

SWP No.1667/2006

Date of order: 26.03.2015

Payar Singh son of Roshan Lal resident of Village Bhatoli Tehsil Thathri District Doda
v

- 1. State of J&K through its Chief Secretary, J&K Government, Civil Sectt Jammu and Kashmir
- 2. Principal Secretary to Government GAD department, j&k Government, Civil Sectt, Jammu/Srinagar
- 3. Deputy Commissioner Doda
- 4. Sub Divisional Magistrate, Bhaderwah.

Coram:

Hon’ble Mr. Justice N. Paul Vasanthakumar, Chief Justice

Appearing counsel:

For the petitioner(s) : Mr. D.S.Chouhan Advocate.

For the respondent(s) : Mr. Gagan Basotra Sr. AAG

i/ Whether to be reported in : Yes/No
Press/Media

ii/ Whether to be reported in : Yes/No
Digest/Journal

1. This writ petition is filed praying for issuance of writ of mandamus, directing the respondents to issue letter of appointment in favour of the petitioner against a vacancy in the lowest rank of a non-gazetted service, being an eligible family member of a civilian, who died as a result of militancy related action not involved in militancy related activities, when the writ

petitioner fulfilled all the formalities in accordance with the procedure prescribed in SRO 43 of 1994 dated 22.02.1994 and grant salary and pay dues attached to the post, in lieu of death of his brother. The petitioner seeks further direction to the respondent to award damages and compensation to the tune of Rs.5.00 lac for the administrative inefficiency of respondents in not issuing letter of appointment.

2. The case of the petitioner is that on 30.04.2000, the brother of writ petitioner namely Diya Singh, who was working as Special Police Officer in Jammu and Kashmir Police was killed during cross firing and accordingly a FIR under Sections 307/302 RPC read with Section 7/27 Arms Act came to be registered with Station House Officer, Police Station Kishtwar. In terms of Government Order No.723-GR(GAD) of 1990 dated 10.07.1990 read with Government Order No.478-GAD of 1995 dated 04.07.1995, sanction was accorded to the payment of ex-gratia relief of Rs.1.00 lac in favour of NOK's of deceased Special Police Officer namely Diya Singh who was killed in a militant attack on 29/30.04.2000 in consequences of due performance of official duty vide order No. 1186-92/ir/d dated 03.07.2000 issued by the Deputy Commissioner, Doda. The said amount was paid on the recommendation made by the Tehsildar, Thathri vide his letter No.541/AC dated 09.05.2005 wherein the petitioner was found eligible family member for the

purpose of compassionate appointment under the Jammu and Kashmir (Compassionate) Appointment Rules, 1994 in lieu of the death of his brother namely Diya Sigh and was accordingly issued the Dependent Certificate, as required under SRO 43 of 1994 dated 22.02.1994 by the Sub Divisional Magistrate Bhaderwah vide No.105-08/R dated 24.06.2005.

3. Since the matter is pending for the last nine years, respondent no.2 is directed to consider the claim of the petitioner seeking compassionate appointment and pass orders in accordance with the law within a period eight weeks from the date of receipt of copy of this order.

4. Disposed of.

(N. Paul Vasanthakumar)

Chief Justice

Jammu,

26.03.2015

Sanjeev