

# **HIGH COURT OF JAMMU AND KASHMIR**

AT JAMMU

SWP No.1669/2006

Date of order: 26.03.2015

Dyal Singh son of Ram Saran Thaker resident of Pora Bala Tehsil Bhalessa 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 ptitioner(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 29.05.2002 his brother, namely, Uttam Singh, who was working as Special Police Officer in Jammu and Kashmir Police was killed during cross firing and accordingly a FIR under Sections 307/302/458 RPC read with Section 7/27 Arms Act and 3 PSS Act came to be registered with Station House Officer, Police Station Doda. In terms of Government Order No.723-GR(GAD) of 1990 dated 10.07.1990 and Government Order No.702-GAD of 2001 dated 11.07.2001 read with Govt. Order No.541-GAD of 2002 dated 27.03.2003, sanction was accorded to the payment of ex-gratia relief of Rs.2.00 lac in favour of NOK's of deceased Special Police Officer namely Uttam Singh who was killed in a militant attack on 29.05.2002 in consequences of due performance of official duty vide order No. 3201 of 2002 dated 30.08.2002 issued by the Director General of Police, J&K, Srinagar. The said amount was paid on the recommendation made by the Tehsildar, Gandoh vide his letter No.228/N dated 07.02.2003

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 Uttam Singh and was accordingly issued the Dependent Certificate, as required under SRO 43 of 1994 dated 22.02.1994 by the Sub Divisional Magistrate Baderwah vide No.11-13/PS/R/2K3 dated 01.04.2003.

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**