

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

SWP No.117/2007

CMA Nos.2697/2007,134/2007

Date of order: 26.03.2015

Arun Kumar son of Madan Lal resident of W.No.11, Dhar Road, Shakti Nagar Udampur

v

1. State of J&K through its Commissioner/Secretary to Government GAD, J&K Jammu
2. Principal Secretary to Government Power Development Department, J&K Jammu
3. The Chief Engineer Electrical Miantance and RE Wing Jammu
4. The Executive Engineer Electric, Maintenance and RE Divisiion Udampur.

Coram:

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

Appearing counsel:

For the petitioner(s) : None

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 re-consider the case of the petitioner for compassionate appointment under SRO 43 made vide Government Order No. 880-GAD of 2006 dated 18.07.2006 and make appointment of the petitioner against the post of Junior Engineer Grade-II strictly on the basis of

Government Order No. 1207-GAD of 2006 dated 13.10.2000 and Government Order No. 1541-GAD of 2003 dated 08.12.2003 by which compassionate appointments against the posts of Junior Engineer in similar circumstances have been made.

2. The case of the petitioner is that the petitioner's mother, namely, Smt. Gaytri Devi, while working as teacher in the Education Department died in harness on 10.07.2000 and the petitioner being solely dependent upon her applied for compassionate appointment as Junior Engineer in Power Development Department on the compassionate grounds and his case was considered by the Education Department and recommended by the Education Department to the Commissioner and Secretary to Government GAD vide under secretary to Government Education Department's No. Edu-1/APPTT/136/2000 dated 06.12.2000. The respondent No.1 in terms of the recommendations of Education Department issued the appointment order to the petitioner against the post of Technician III in Power Development Department. The petitioner having been aggrieved of his appointment to an inferior post, filed the present writ petition.

3. In the writ petition, contesting respondent filed counter affidavit stating that the petitioner having accepted and joined as Technician III in terms of the appointment order dated

06.12.2000, he has no right to seek reconsideration against the other post. It is not in dispute that the petitioner is serving on the said post for over 14 years. The compassionate appointment cannot be claimed as a matter of right under SRO 40 of 1994 especially on a higher post when the petitioner stands already appointed as Technician II.

4. Since no ground is made out, no direction can be issued to reconsider the claim of the petitioner as prayed for in the writ petition. The writ petition is dismissed.

(N. Paul Vasanthakumar)

Chief Justice

Jammu,

26.03.2015

Sanjeev