

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

SWP No.1474/2006

CMA No.1806/2006

Date of order: 26.03.2015

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1. Anara Begum age 37 years wife of late Mohd Hanief, Ex Chowkidar, SFC resident of Village Bharowa Tehsil Bhaderwah District Doda

2. Mohd Mushtaq, age 19 years son of late Mohd Hanief, Ex Chowkidar, SFC resident of village Bharowa, Tehsildar Bhaderwah District Doda

vs.

1. State of Jammu and Kashmir through Chief Secretary, J&K Government, Civil Secretariat, Sriangar

2. Principal Secretary, Forest and Wild Life Department J&K Government, Srinagar

3. Managing Director State Forest Corporation, J&K Srinagar

4. Regional Manager, State Forest Corporation, Doda

5. Divisional Manager, State Forest Corporation Division Bhaderwah Tehsil Bhaderwah, Doda.
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Coram:

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

Appearing counsel:

For the petitioner(s) : Mr.N.C.Kotwal Advocate.

For the respondent(s) :

- i/

Whether to be reported in

:

Yes/No
- Press/Media
- ii/

Whether to be reported in

:

Yes/No
- Digest/Journal
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1. This writ petition is filed praying for issuance of writ of mandamus, directing the respondents to appoint either of the petitioners under SRO 43 of 1994 in place of their Guardian, deceased Mohd Hanief S/o Sh. Mohd Ramzan, Ex-Chowkidar in State Forest Corporation, who died in harness leaving behind the dependents, or directing the respondents to release ex-gratia relief already sanctioned by the government in favour of the deceased employee Mohd. Hanief and

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disburse the same to the petitioners without imposing any condition thereto.

2. In terms of the order passed by this Court dated 29.09.2006 to consider the case of the petitioners for release of ex-gratia relief and other retiral benefits, ex-gratia payment was released. The claim of the petitioner seeking compassionate appointment was considered and during pendency of the writ petition an order was passed which is stated in reply filed in the Contempt petition No.217/2007 and the order rejecting the claim of the

petitioner seeking compassionate appointment having been passé, the petitioner can separately challenge the same. Hence the prayer sought for in the writ petition has become infructuous.

3. Accordingly, the petition is disposed of with a liberty to the petitioner to challenge the order rejecting compassionate appointment if any legal ground is available to the petitioner and if so advised.

(N. Paul Vasanthakumar)

Chief Justice

Jammu,

26.03.2015

Vijay