

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

SWP No.2322/2017

**Date of order:28.02.2018**

Altaf Ahmed

Vs.

State & ors.

**Coram:**

**Hon'ble Mr. Justice Ramalingam Sudhakar, Judge**

**Appearing counsel:**

For Petitioner (s) : Mr. Mohd. Qayoom, Advocate.

For respondent (s) : Mr. Tarun Sharma, GA vice Mrs. Seema Shekher, Sr. AAG.

- i) Whether to be reported in Digest/Journal : Yes/No.
- ii) Whether approved for reporting in Press/Media : Yes/No.

**ORAL**

1. Going by the nature of relief sought for and with the consent of learned counsel for the parties, the writ petition is **admitted** to hearing and the same is taken up for final disposal.

2. The petitioner, in this writ petition, seeks the following reliefs in the nature of mandamus:-

- (i) Commanding the respondents to appoint the petitioner on compassionate basis in Government Department as per SRO 43 of 1994 in lieu of the sudden death of the mother of the petitioner namely Zatoon Begum who was killed by militants on the intervening 30/31-08-2002 with all consequential benefits as and when the petitioner is eligible; and
- (ii) Commanding the respondents to consider the representation of the petitioner for compassionate appointment in light of the judgment passed by the Hon'ble Court in case titled Ghulam Ahmed Banday V/s State of J&K & Ors. decided on 23.07.2015 reported in 2015 (II) SLJ 589 (HC).

3. Mr. Qayoom, learned counsel for the petitioner, states that the petitioner in this case, aged about 27 years, is son of the deceased-Zatoon Begum claims to be short dead by the militants on 30.08.2002 in District Reasi. He was 12 years old at the time of his

mother's death. On attaining majority, the petitioner applied under SRO 43 of 1994 seeking compassionate appointment. The application was made by him on 23.12.2013. Learned counsel further submitted that the case of the petitioner is pending before the Deputy Commissioner, Reasi and despite repeated request, no action has been taken by the concerned respondent. A representation (Annexure-B) dated 09.01.2017 has been filed by the petitioner to respondent No.2, however, the same has not evoked any response, forcing the petitioner to file the present writ petition for the above stated reliefs.

4. Mr. Tarun Sharma, learned GA vice Mrs. Seema Shekher learned Sr. AAG appearing for the respondents, states that the authority concerned will accord consideration to the representation of the petitioner for compassionate appointment as may be directed by this Court.

5. In this view of the matter, the writ petition is disposed of directing the respondents to accord consideration to the claim of the petitioner for compassionate appointment in accordance with the provisions governing the Scheme for compassionate appointment and if the petitioner's case is made out, the authority shall take decision in this regard expeditiously, preferably within a period of eight to twelve weeks from the date of receipt of certified copy of this order alongwith representation.

6. Writ petition stands **disposed of** as above.

**(Ramalingam Sudhakar)**  
**Judge**

Jammu  
28.02.2018  
*Ram Murti*