

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

WP(C) No. 300/2020
CM No. 597/2020

Yash Paul

.... Petitioner(s)

Through:- Mr. Shagun Padha, Advocate vice
Mr. Sachin Sharma, Advocate

V/s

U. T. of J&K & ors.

.....Respondent(s)

Through:-

Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

01. Petitioner seeks a direction to the respondents to consider the case of the petitioner for compassionate appointment in terms of SRO 120 of 2018 dated 05.03.2018 whereby it has been provided to reconsider the rejected cases of compassionate appointment in accordance with the said notification/SRO.

02. Petitioner's father, who was working as Junior Lineman vide order No.CEJ/254 of 1985 dated 10.12.1985, died in harness on 9.11.1995 due to heart attack and was survived by his wife and three minor children including the petitioner. Petitioner after the death of his father applied for appointment under SRO 43 but the case of the petitioner was rejected on the ground of delay vide Order No. PDD/VI-J/02/2012 dated 25.02.2014 by providing that the petitioner had to apply for compassionate appointment within one year from the date of death of his father.

03. It is submitted that the respondent have notified SRO 120 of 2018 on 05.03.2018 whereby the Jammu and Kashmir Compassionate

Appointment Rules, 1994 came to be amended and Sub-Rule 6 was added in Rule-5. In terms of the said rule, it is provided as under:-

“Notwithstanding anything contained in proviso first and second of sub-rule (1) of rule 3 of these rules, the widow(who has not re-married), unmarried son and unmarried daughter of a deceased government employee other than Police Personnel who has died in harness or militancy related incident may be considered under these rules by the General Administration Department, on a case to case basis, for appointment against a Class-IV post subject to the condition that the Deputy Commissioner/Assistant Commissioner(Revenue) of the district to which the deceased employee belonged certifies that none of the dependents of the deceased is a government employee. Further, the Deputy Commissioner concerned after due satisfaction, shall certify that element of compassion is still existing in the family which shall be countersigned by the Administrative Secretary of the concerned department to which the government employee belonged.

Explanation: Only pending/rejected cases on the date of issuance of SRO Notification 120 of 2018 dated 05-03-2018, shall be decided in accordance with the said notification.”

04. Petitioner, thus, submits that he has already moved representations dated 05.11.2018 & 07.01.2020 before respondent Nos. 2 & 3 for consideration of his case in terms of SRO 120 of 2018 dated 05.03.2018 and decide the same in accordance with law.

05. Learned counsel for the petitioner submits that the petitioner would feel satisfied if this writ petition is disposed of at this stage by directing the respondents to consider the case of the petitioner in terms of the said SRO within some time frame.

06. In view of the aforesaid, this writ petition is **disposed of** by directing the respondents to consider and decide the case of the petitioner in terms of the SRO 120 of 2018 dated 05.03.2018 and in

accordance with law by passing a speaking order as expeditiously as possible preferably within a period of eight weeks from the date copy of this order is provided to the respondents.

07. CM No. 597/2020 also stands **disposed of**.

(Sindhu Sharma)
Judge

JAMMU
31.01.2020
Ram Murti

Whether the order is reportable : *Yes/No*
Whether the order is speaking : *Yes*

