

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

CPSW 920/2015

FIRDOUS AHMAD DAR

...Petitioner(s)

Through: Ms. Insha, Adv. vice Mr. Bhat Fayaz, Adv.

**Vs**

MR. GAZANFAR ALI AND ANR

...Respondent(s)

Through: Mr. M.A. Chashoo, AAG vice Mr. Hilal Ahmad Wani, AAG

**CORAM:**

**HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE**

**ORDER**

**30.09.2022**

Instant contempt petition has been filed by the petitioner for alleged non-compliance of Judgment/order dated 12<sup>th</sup> June, 2015, passed by the writ Court in SWP No. 1819/2014, whereby the writ petition has been disposed of with a direction to the respondents to accord consideration to the claim of the petitioner for compassionate appointment in light of the averments made in the writ petition, annexures appended thereto and the rules/regulations occupying the field and also keeping in view the recommendations made by the State Human Rights Commission.

Compliance report has been filed by the respondents, wherein, it has been specifically mentioned that the brother of the petitioner was killed by unknown gunmen in the year 1990 and subsequently an ex-gratia relief to the tune of Rs. 1,00,000/- has been sanctioned/paid in favour of the next of kins (NOKs) by the then Deputy Commissioner, Baramulla. After receiving ex-gratia relief, the father of the petitioner had moved to erstwhile State Human Rights Commission with a complaint to direct the Government to consider the case of his daughter for compassionate appointment under SRO-43. The recommendations of the State Human Rights Commission were forwarded to the then Deputy Commissioner, Baramulla, who has rejected the claim of his father by virtue of communication No. DCB/SHRC/05/124, dated 13.09.2005. It has also been stated that at the time of his death, the deceased was a student and was not earning, as such the other family members of the deceased cannot be dependent upon the deceased. Moreover, the father of the deceased was a Government servant holding a good

post in Education Department and as such, the case of the petitioner also cannot be considered in terms of rule 2 sub rule (iii) of SRO-43.

The case of the petitioner has already been considered in terms of the writ Court order dated 12<sup>th</sup> June, 2015, whereby his case has been rejected as the same does not fall within the purview and ambit of the provisions of SRO-43 of 1994 read with SRO-177, dated 20.06.2014. Respondents have annexed the consideration order dated 03.12.2015, which has been passed strictly in conformity with Judgment/order dated 12<sup>th</sup> June, 2015 and the Judgment/order has been implemented in true letter and spirit.

Since the respondents have complied with the writ court Judgment/order dated 12.06.2015, out of which the present contempt has arisen, therefore, contempt proceedings are closed. However, liberty is granted to counsel for the petitioner to file fresh, if cause survives otherwise.

Contempt petition is *disposed of*.

**(MOKSHA KHAJURIA KAZMI)**  
**JUDGE**

**SRINAGAR**  
**30.09.2022**  
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