
(2017) 05 J&K CK 0027
In the Jammu And Kashmir High Court
Case No : 1554 of 2015 MP No 01 of 2015

Abid Ahmad Akhon

APPELLANT

Vs

State of J&K & Ors.

RESPONDENT

Date of Decision : 04-05-2017

Acts Referred:

Citation : (2017) 05 J&K CK 0027

Hon'ble Judges : Ramalingam Sudhakar

Bench : SINGLE BENCH

Advocate : F. A. Wani, T. M. Shamshi, M. A. Rathore, M. A. Beigh

Final Decision : Disposed Of

Judgement

1. The case of the petitioner is that his brother was working as "Source" in Army and was killed by terrorists on 25th December 2000, in Court

Road, Srinagar. On the death of deceased, legal heirs made a request for grant certain benefits in terms of Government order No. 893-GAD of 2008, issued pursuant to SRO 199 dated 04.07.2008.

2. According to the petitioner, Tehsildar North was directed by respondent no. 2- Deputy Commissioner to verify the issue and report. A report

was submitted by the Tehsildar concerned. Based on the said report, it appears that authorities on 03.07.2014, sanctioned a sum of Rs. 4.00 lacs

as compensation on the death of Bilal Ahmad Akhoon (Brother of the petitioner). The legal heirs including the petitioner have declined to take the

cash compensation, however, they pleaded before the authorities that petitioner should be granted suitable appointment on compassionate

grounds. Though on record, this Court finds no formal application with regard to decline/refusal to take the cash compensation by the petitioner,

nor is there any correspondence before this Court to show that the petitioner is seeking appointment on compassionate grounds, based on the relevant Government orders or SROs as the case may be. However, instant writ petition has been filed, seeking mandamus to command the respondents to consider the case of the petitioner for appointment in terms of Jammu and Kashmir Compassionate Appointment Rules and also seeks release of cash compensation. Learned counsel for the petitioner Mr. F. A. Wani, Adv. now states that the petitioner is not inclined to receive cash the compensation, he is only interested to seek appointment on compassionate grounds.

3. Mr. Tahir Majid Shamshi, learned ASGI, states that the respondent No. 3 & 4 have no role in the matter. However, respondent No. 1 & 2 has to take a decision in the case.

4. Mr. Rathore, learned AAG appearing vice Mr. Beigh, AAG states that if a request/representation is made for not receiving the cash compensation, the same will be accorded consideration on its own merits.

5. In this view of the matter, writ petition is disposed of giving liberty to the petitioner to make a specific application in this regard to respondents 1 & 2, mentioning therein the nature of relief. The respondents 1 & 2 shall accord consideration to the same as per the applicable rules within a period of three months from the date of receipt of such representation along with a copy of this order.

6. The writ petition is disposed of along with connected MPs.