
(2015) 12 J&K CK 0007

In the Jammu And Kashmir High Court

Case No : SWP No. 898 of 2011 and MP No. 1304 of 2011

Mohd. Qasim

APPELLANT

Vs

State of J&K

RESPONDENT

Date of Decision : 03-12-2015

Acts Referred:

Constitution of Jammu and Kashmir, 1956 — Section 103

Jammu and Kashmir (Compassionate Appointment) Rules, 1994 — Rule 3(3)

Citation : (2016) 2 JKJ 392

Hon'ble Judges : Mr. N. Paul Vasanthakumar, CJ.

Bench : Single Bench

Advocate : Mr. Ehsan Mirza, Advocate, for the Respondents; Mr. M.I. Sherkhan, Advocate, for the Appellant/Petitioner

Final Decision : Dismissed

Judgement

Mr. N. Paul Vasanthakumar, C.J. - This writ petition is filed praying for issuance of a writ of mandamus commanding the respondents to decide

the representation of the petitioner dated 15.06.2003 seeking compassionate appointment to the petitioner as class-IV employee under SRO 43 of

1994 on the analogy of 3rd respondent.

2. According to the petitioner, on 15.05.2003 there was exchange of fire between the militants and armed forces and real brother of the petitioner,

namely, Said Mohd. got killed due to the cross firing at village Kasblari and a case to this effect was also registered bearing FIR No. 73/2003

under Sections 302/307, 120-B, 121 and 122 RPC and 26/27 and 7/25 Arms Act at Police Station Mendhar. The petitioner's brother having

been killed, as per the Compassionate Appointment Rules petitioner submitted an application before the 2nd respondent for appointment on

compassionate grounds. Dependent certificate was also submitted along with the said application. The petitioner's family was paid a sum of Rs.

1.00 lac as ex-gratia relief due to the killing of petitioner's brother. It is stated in the affidavit filed in support of the petition that a sum of Rs. 5.00

lac has already been provided to the widow and daughter of the deceased.

3. In terms of Rule 3(3) the Jammu and Kashmir (Compassionate Appointment) Rules, 1994 read with Government Order No. 893-GAD of

2008, dated 04.07.2008 either a sum of Rs. 5.00 lac as compensation or compassionate appointment is to be given to one of the dependents of

the deceased, who killed in militancy related action and Rs. 5.00 lacs having been paid to the family of the deceased, petitioner cannot insist for

giving compassionate appointment. This writ petition is, accordingly dismissed. No costs.