



**Central Administrative Tribunal  
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/300/2020

Thursday, this the 23rd day of July, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)  
Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

Abhinav Sharma, age 23 years  
S/o Late Shri Ashok Sharma  
R/o Village Rahsalyote  
Tehsil Chowkichoura District Jammu

...Applicant

(Mr. Muzaffar Iqbal Khan, Advocate)

Versus

1. Union Territory of Jammu and Kashmir  
Through its Chief Secretary to Government,  
Civil Secretariat, Jammu & Kashmir, at Srinagar/Jammu
2. Commissioner-cum-Secretary,  
Central Administrative Department  
Civil Secretariat, Srinagar/Jammu
3. Commissioner/Secretary to Govt. Forest  
Department, Jammu
4. Director, Soil Conservation Department  
Vikram Chowk, Jammu

...Respondents

(Through Mr. Amit Gupta, Additional Advocate General)

**O R D E R (ORAL)**

**Dr. Bhagwan Sahai, Member (A):**

Abhinav Sharma, son of Late Shri Ashok Sharma, resident of village Rahsalyote, Tehsil Chowkichoura, District Jammu has filed this OA on 17.07.2020, seeking direction to respondents to consider his case for appointment on

compassionate grounds in terms of J&K Compassionate Appointment Rules, 1994. As an interim relief also, he sought the same relief.

2. We have heard today Mr. Muzaffar Iqbal Khan, for the applicant and Mr. Amit Gupta, AAG on behalf of respondents.

3. In the OA, the applicant has stated that his father Late Shri Ashok Sharma was working as Cartographer in Soil and Water Conservator Department, Jammu and, while in service, he died on 13.08.2004. At the time of death of his father, he was minor and his mother approached the respondents for appointment on compassionate grounds. During the pendency of her application, he attained majority and approached the respondents to consider him for compassionate appointment. As directed by the respondents, he also submitted the required documents such as legal heir and matriculate certificates but by letter dated 20.01.2016, his case was rejected stating that it was not covered under relaxation policy for appointment on compassionate grounds. Therefore, he filed SWP No.1374/2015 but during the pendency of that petition, as suggested by Director, Soil and Water Conservator Department that his case would be considered in terms of SRO 120 dated 01.03.2018, he withdrew the petition on 14.02.2019. After completing the required formalities, his case was recommended by Director, Soil and Water Conservator Department, Jammu on 09.04.2019 to Commissioner/ Secretary to Government

Forest, Ecology and ENV Department, Jammu (Annex 'D'). Thereafter, his case is pending with respondents 1 and 2 without any justification. Hence, this OA.

4. During arguments, the applicant's counsel reiterated the above averments made by the applicant in the OA.

5. After arguing for some time, the applicant's counsel submitted that the applicant would be satisfied if this OA is disposed of at this stage with direction to respondents to consider and decide his case for compassionate appointment as per recommendation of Director, Soil and Water Conservator Department dated 09.04.2019 within a specified period of time. The respondents' counsel has no objection to such disposal of the OA.

6. In view of the above submissions, this OA is disposed of with direction to respondents 1, 2 and 3 to consider the applicant's case for compassionate appointment as per applicable rules on the subject and the Apex Court views taken in a number of cases related to appointments on compassionate grounds. His case should be decided by the respondents within a period of two months from the date of receipt of a copy of this order with a reasoned and speaking order. With this, the OA stands disposed of. No costs.

**( Rakesh Sagar Jain )**  
**Member (J)**

**( Dr. Bhagwan Sahai )**  
**Member (A)**