

Hearing through video conference

CENTRAL ADMINISTRATIVE TRIBUNAL

JAMMU BENCH

T.A.No.061-596 of 2020

Jammu, this 9th September, 2020.



CORAM: HON'BLE DR. BHAAGWAN SAHAI, MEMBER (A)

Naveen Kumar s/o late Sh. Bodh Raj (DySP PID No.EXJ-906015), r/o village Sindra, Tehsil Bhalla District Doda at present H.No.252, Housing Colony, Shivalikpuram-III, Janipur, Jammu.

...Applicant

(BY ADVOCATE: Mr. Sheikh Najeeb)

Versus

1. The State of Jammu & Kashmir through its Commissioner/Secretary, General Administration Department, Civil Secretariat, Srinagar/Jammu.
2. The Principal Secretary to Govt. of J & K, Home Department, Civil Secretariat, Srinagar/Jammu.
3. The Director General of Police, J & K, Police Headquarters, Srinagar/Jammu.

(BY ADVOCATE: Shri Sudesh Magotra, Deputy Advocate General)

...Respondents

O R D E R (Oral)

HON'BLE DR. BHAGWAN SAHAI, MEMBER(A).

Heard the applicant's counsel.

2. He submits that after the death of applicant's father on 23.11.2018, while working as Deputy Superintendent of Police,



the applicant applied for appointment on compassionate grounds. The respondents number 1 and 2 communicated vide letter dated 23.7.2019 for his appointment on compassionate grounds as Follower. The applicant has higher qualification of M.A. B.Ed. and is eligible for appointment to the post of Sub Inspector. D.G.Police also recommended for his appointment accordingly. But the Government did not accept the recommendation and directed for appointment of the applicant only as a Follower.

3. The applicant's counsel further contends that as provided under Rule 3(2) of SRO 43 of 1994, the Government has the power for making appointment of eligible dependents of deceased government employees (who die in harness) to higher posts such as sub inspector of police. Therefore, the applicant submitted an application/representation to the respondents on 22.11.2019 mentioning these stipulations under the relevant Rules and also citing other cases where appointments on compassionate grounds have been made to Class III posts such as sub inspectors of police, Junior Engineer, etc. But the respondents have not yet decided his application/representation for appointment as sub inspector of police.

4. In view of the above contentions, the applicant's counsel submits that the applicant would be satisfied if this OA is disposed of at this stage, with direction to the respondents to consider his application dated 22.11.2019 in view of his higher educational qualification as per the stipulations of Rule 3(2) of



SRO 43 of 1994 for his appointment on compassionate grounds to the post of police Sub Inspector and decide it within a fixed time frame.

5. In view of the above submissions, this OA is disposed of with direction to the respondents number 1 and 2 to consider the applicant's application/representation dated 22.11.2019 for appointment as police sub inspector on compassionate grounds as per the provisions of Rule 3(2) of SRO 43 of 1994 and pass a reasoned and speaking order within one month from the date of receipt of certified copy of this order and communicate the decision to the applicant within two weeks thereafter.

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

Place: Jammu
Dated: 9.9.2020

KKS