



# **Central Administrative Tribunal Jammu Bench, Jammu**

## Hearing through video conferencing

O.A. No.61/278/2020

Monday, this the 20th day of July, 2020

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

Mukesh Kumar, age 32 years,  
S/o Late Shri Suraj Prakash  
R/o Village Burechak,  
Tehsil Mandal, District Jammu ...Applicant

(Mr. Muzaffar Iqbal Khan, Advocate)

## Versus

1. Union Territory of Jammu and Kashmir  
Through its Chief Secretary to Govt.,  
Civil Secretariat, Srinagar/Jammu
2. Commissioner-cum-Secretary to Govt.  
General Administrative Department,  
Civil Secretariat, Srinagar/Jammu
3. Commissioner/ Secretary to Govt.,  
Education Department, Jammu
4. Director,  
School Education Department, Jammu

(Mr. Amit Gupta, Additional Advocate General)

**O R D E R (ORAL)****Dr. Bhagwan Sahai, Member (A):**

Shri Mukesh Kumar, son of Late Shri Suraj Parkash, resident of village Burechak, Tehsil Mandal, District Jammu has filed this OA on 14.07.2020, seeking direction to respondents to consider his case for appointment on compassionate grounds in terms of Jammu and Kashmir Compassionate Appointment Rules of 1994.

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

3. In the OA, the applicant has stated that his father Late Shri Suraj Parkash was working as Ex-Lab Bearer at Govt. High School, Pallian Mandal, Satwari, Jammu in Education Department. He died on 20.05.1996, while in service. The applicant is matriculate and after attaining majority, he applied to the respondents for employment on compassionate grounds. However, on 31.05.2017, the respondents rejected his application stating that his case is not covered under relaxation policy as he has not attained eligibility age of 18 years within 5-1/2 years after the death of the deceased employee.

4. The applicant is seeking employment on compassionate grounds in terms of SRO 120 read with SRO 43. His case was also recommended to the Department of School Education on

27.08.2016 by Director of School Education and on 19.03.2018. In view of SRO 120 dated 05.03.2018, he again submitted his application to Commissioner/Secretary, Education Department, Jammu and his case was also recommended by Director, School Education on 12.07.2018, but he has not been provided employment on compassionate grounds.

5. The applicant's counsel submits that after recommendation of his case by the Director, School Education, it is pending at the level of Commissioner/Secretary, Department of Education and GAD. Therefore, the applicant would be satisfied if this OA is disposed of with direction to the respondents to decide it within a specified period of time.

6. In view of the above submission, the present OA is disposed of at this stage with direction to the respondents to consider the applicant's case for appointment on compassionate grounds if he is eligible as per stipulations of SRO 120 dated 05.03.2018 and decide it by passing a reasoned and speaking order within 45 days from the date of receipt of a copy of this order. With this, the OA stands disposed of. No costs.

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

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