



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.6054/2020
(S.W.P. No.3079/2001)

Wednesday, this the 20th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Rakesh Kumar age 21 years, SPO No. 227, Son of Shri Gori Lal, Resident of Village Dhintala, Bilara, Thatri, Distt. Doda (J&K).

..Applicant
(*Nemo* for applicant)

Versus

1. State of Jammu and Kashmir through Home Department, Civil Secretariat, Jammu.
2. Director General of Police, Central Police Office, Jammu.
3. Superintendent of Police, Ramban, Distt. Doda, J&K.

...Respondents
(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant met with an accident while on duty and was retired as Special Police Officer (SPO) by the administration on 20.09.2000. With an intention to get him treated in hospital, the respondents have also arranged payment of salary as per the recruitment rules. The applicant filed SWP No.3079/2001 before the Hon'ble High Court of Jammu claiming the relief in



the form of writ of *mandamus* directing the respondents to regularize his services as Constable in Jammu & Kashmir Police Services, and in case such a relief becomes impermissible, to award suitable compensation, on par with regular police Constables, in case of sustaining any injury. A prayer is also made for release of salary up to the date of filing of the SWP. The applicant contends that he is entitled to the benefit of regularization of his services as Constable, as he sustained injury while in service.

2. The respondents filed a detailed counter affidavit opposing the T.A. It is stated that the dispute is of compensation and it cannot be treated as regular appointment. It is also stated that the respondents have already paid the emoluments during the period when he was undergoing treatment.

3. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and registered as T.A. No.6054/2020.

4. There is no representation from the applicant. Today, we heard Mr. Sudesh Magotra, learned Deputy Advocate General and perused the records.

5. It is not in dispute that the engagement of the applicant was only as SPO, which is not part of regular Police



establishment. It is made to ensure the security and peace in the disturbed areas. The applicant is not able to point out any provision of law, which enables an SPO to be appointed/regularized as Constable.

6. It is true that the applicant sustained injury while on duty. The respondents stated that the applicant was paid salary at the relevant point of time. It is not known as to whether the applicant continued as SPO after he became fit to discharge the duties. These are the matters, which need to be examined by the respondents.

7. We, therefore, dispose of the T.A. directing the respondents that in case the applicant continued as SPO after treatment for the injuries sustained in the accident while on duty, he shall be paid the salary for the period, during which he was under the treatment, if not already paid.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 20, 2021

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