



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.6469/2021
(SWP No. 1047/2007)

This the 7th day of September, 2021

Through Video Conferencing

Hon'ble Ms. Manjula Das, Chairman

Nissar Ahmed Malik
s/o Sh. Shamas-Ud-Din Malik
aged 34 years
r/o Village Bachhara
Tehsil Thathri Distt. Doda
(Mr. A M Malik, Advocate)

...Applicant

Versus

1. The State of Jammu and Kashmir,
Through its Chief, Civil Secretariat, Jammu
2. The Commissioner/Secretary, Govt. of J & K,
General Administration Department
Civil Secretariat, Jammu
3. The Deputy Commissioner, Doda
4. The Senior Superintendent of Police, Doda
5. The Assistant Commissioner (Revenue) Doda
6. The Sub-Divisional Magistrate, Bhadarwah
7. The Tehsildar
Thathri, District Doda

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)



ORDER (ORAL)

The applicant filed SWP No.1047/2007 before the Hon'ble High Court of Jammu & Kashmir, challenging the order dated 05.09.2007 whereby his claim for compassionate appointment was rejected. The SWP has since been transferred to the Tribunal in view of re-organization of the State of Jammu & Kashmir and re-numbered as T.A. No. 6469/2021.

2. Succinctly, the case of the applicant is that his elder brother, Ashiq Hussain, was killed by the unidentified militants on 14.10.1998. He left behind the father, brother (the applicant), wife and two children. He, being the elder brother of the family, made an application to the Tehsildar Thathri (respondent No.7) seeking appointment under SRO No.43. However, his case was rejected by the respondents vide the impugned order, without taking into consideration the fact that the monthly income of the family of deceased employee is only Rs.1237/- . The applicant submitted that in terms of Government order No.893-GAD of 2008 dated 04.07.2008, a *lump sum* amount of Rs.5 lacs would be payable to the beneficiary of the affected family, whereas only Rs. 1 lac is paid to the bereaved family.



3. *Per contra*, the respondents submitted that the on the death of Mr. Ashiq Hussain, the *ex gratia* relief of Rs.1 lac, as admissible under Government order dated 10.07.1990, was paid to the family of the applicant. It is also submitted that under SRO 43, only such family member is eligible to be considered for compassionate appointment, who is wholly dependent on the deceased and as such no illegality has been committed in passing the impugned order.

4. Today, I heard Mr. A M Malik, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General and perused the material available on record.

5. It is not in dispute that Mr. Ashiq Hussain, the elder brother of the applicant, was killed by the militants and the family of the deceased is being paid Rs. 1237/- as monthly income. However, from a perusal of the Government Order No.893-GAD of 2008 dated 04.07.2008, it is seen that a *lump sum* amount of Rs.5 lacs would be payable to the beneficiary of the affected family and only an amount of Rs.1 lac is paid to the bereaved family. At this stage, learned counsel for applicant withdraws the relief *qua*



compassionate appointment, but submits that the applicant would be satisfied if a direction is issued to the respondents to pay the remaining amount, i.e., Rs.4 lacs within a timeframe.

6. In these circumstances, we dispose of the T.A. and direct the respondents to pay the balance amount of Rs.4 lacs to the family of the deceased, in terms of Government Order No.893-GAD of 2008 dated 04.07.2008, within a period of three months from the date of receipt of a copy of this order. The relief *qua* compassionate appointment is dismissed as withdrawn.

There shall be no order as to costs.

(Manjula Das)
Chairman

September 7, 2021
/sunil/rk/dd/