

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/7789/2020

This the 25th day of March, 2021



HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Gagan Singh, Age 27 years, S/o Late Sh. Romesh Singh, R/o Kah, Tehsil Billawar, District Kathua.
2. Rajat Kumar, Age-27 years, S/o Late Sh. Bodh Raj, R/o Ward No. 05, Tehsil Vijaypur, District Samba.
3. Makhan Lal, Age-26 years, S/o Late Sh. Yash Paul, R/o Dhere, Tehsil Billwar, District Kathua.
4. Rohit Kumar, Age-25 years, S/o Late Sh. Mukand Lal, R/o Lamberi, Tehsil Nowshera, District Rajouri.
5. Amit Kumar, Age-27 years, S/o Late Sh. Jai Kumar, R/o Bajja Chiralla, Tehsil Chiralla, District Doda.
6. Sandeep Labothra, Age-24 years, S/ Late Sh. Surinder Kumar, R/o VPO Phalote, Tehsil & District Kathua.
7. Mohd. Zabeer, Age-21 years, S/o Late Jamal Din, R/o Ajote, Tehsil Haveli & District Poonch.
8. Pawandeep Singh, Age- 30 years, S/o Sh. Jagjeet Singh, R/o Ward No. 14, Mohalla Sheeshmahal, Tehsil Haveli & District Poonch.

.....Applicants

(Advocate:- Ms. Manpreet Kour and Ms. Saba Atiq for Mr. Abhinav Sharma)

Versus

1. State of Jammu & Kashmir, through Chief Secretary, through Chief Secretary, Govt. J&K, Civil Secretariat, Srinagar.
2. Commissioner-cum-Secretary to Government, Home Department, Government of J&K, Civil Secretariat, Srinagar.
3. Commissioner-cum-Secretary to Government, General Administration Department, Government of J&K, Srinagar.
4. Director General of Police, Government of J&K, Jammu.
5. Inspector General of Police Railway & Crime, J&K, Jammu.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

ORDER
ORAL

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The applicants Gagan Singh and 7 others have filed this T.A. seeking the following reliefs:-



- “(i) To issue directions to the respondents to appoint the petitioners as Constables/Followers in J&K Police on compassionate grounds in terms of SRO 43 of 1994 read with SRO 376 of 2017 dated 11.09.2017, by issuance of writ of Mandamus.
- (ii) To issue directions to the respondents to give the similar treatment to the petitioners as is given to the similarly situated persons who have been appointed on compassionate grounds in the J&K Police in terms of SRO 43 of 1994 read with SRO 376 of 2017 dated 11.09.2017 and to give the effect of appointment from the date, the other similarly situated persons have been appointed as Constables/Followers, by issuance of writ of Mandamus;
- (iii) To issue directions to the respondent no. 1 to clear the files of the petitioners pending with respondent no. 1 to clear the files of the petitioners pending with respondent no. 1 for appointment on compassionate grounds, by issuance of writ of Mandamus; AND any other writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case.”

2. Learned counsel for the applicants submits that the applicants would be satisfied, if a direction is issued to the respondents to consider the case of the applicants for appointment on compassionate grounds.



3. We have heard Ms. Manpreet Kour and Ms. Saba Atiq for Mr. Abhinav Sharma, learned counsels for the applicants and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

4. Looking to the facts and circumstances of the case, we dispose of the T.A. with direction to the respondents to consider the case of the applicants for appointment on compassionate grounds as per rules and regulation, by passing a reasoned and speaking order and communicate the decision so taken to the applicants within a period of one month from the date of receipt of certified copy of this order. While taking a decision, the respondents will also consider the averments made by the applicants in the T.A.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no order as to cost.

(ANAND MATHUR)
MEMBER (A)
Arun

(RAKESH SAGAR JAIN)
MEMBER (J)