

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/772/2020

This the 30th day of September, 2021

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



Anita Sharma, age:- 39 years, W/o Late Sh. Dev Raj, R/o Ward No. 9, Mohalla Geeta Bhavan, Poonch City.

.....Applicant
(Advocate:- Mr. Rahul Pant, Sr. Advocate assisted by Mr. Aniruddha Sharma)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Government, General Administration Department, Jammu and Kashmir Government, Civil Secretariat, Srinagar/Jammu.
2. Principal Secretary to Government, Home Department, Jammu and Kashmir, Government, Civil Secretariat, Srinagar/Jammu.
3. Director General of Police, J&K, Police Headquarters, Gulshan Ground, Gandhi Nagar, Jammu.
4. Senior Superintendent of Police District Police Headquarters, Poonch.

.....Respondents

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

**O R D E R
[O R A L]**

At the onset, it has been submitted by Mr. Rahul Pant, Sr. Advocate assisted by Mr. Aniruddha Sharma, learned counsel for the applicant that vide order dated 31.08.2021, the respondents were given last and final opportunity to file counter affidavit within three weeks failing which the right to file counter affidavit was to be forfeited. It has been further submitted by learned counsel for the applicant that the case involves the question of appointment on compassionate grounds of the applicant who is wife of deceased Police personnel, having two minor children and is on the verge of starvation,

as such this case cannot brook any delay, therefore, the right of the respondents to file counter affidavit be forfeited today.



2. On the other hand, learned A.A.G. submits that he be given another last and final opportunity to file counter affidavit.

3. The case pertains to the year 2019 and vide order dated 10.08.2021, the respondents were directed to file counter affidavit within two weeks positively. Thereafter, vide order dated 31.08.2021 last and final opportunity was granted to the respondents to file the counter affidavit failing which it was directed that their right to file counter affidavit would be forfeited. The case pertains to compassionate appointment of the wife of deceased Police personnel who is having two minor children and as per arguments of learned counsel for the applicant, the family which is on the verge of starvation is finding it hard to make both the ends meet. In view of the facts of the case as noted above, the right to file counter affidavit by the respondents is forfeited.

4. Learned counsel for the applicant submits that the dispute involved in the case is very limited and the case can be disposed of today itself. It has been argued by learned counsel for the applicant that after the death of the husband of the applicant, vide letter dated 28.09.2019, the A.I.G. of Police (Personnel) acting on behalf of Director General, Police, Jammu and Kashmir addressed communication to Inspector General of Police, Jammu Zone vide letter dated 28.09.2019 (Annexed as Annexure No. A-9 to the O.A.) wherein the case of the applicant was recommended for appointment as Follower in the Police Department.



5. It is further the case of the applicant that she has two minor daughters to look after and there is no person in the family to look after them in her absence and that like other widows of deceased Police personnel who have been appointed in Civil Department on compassionate grounds under SRO 43 of 1994, the applicant also may be appointed against a non-gazetted post in a civil department. He further submits that the job of Police Follower is a 24 X 7 job and therefore being the sole member in her family, she would be unable to look after her minor daughters and such, keeping in view that the administration accommodated other widows of deceased Police personnel by appointing them on compassionate ground in civil department, the applicant be also accorded similar treatment.

6. Learned counsel for the applicant has referred to the orders issued by the Government in case of widows of deceased Police personnel who have been accommodated on compassionate grounds under SRO-43 of 1994 in a civil department. He further submits that in view of the orders annexed by him wherein similar treatment has been given to other widows of deceased Police personnel, the applicant may also be given the same treatment so that she is not discriminated against by the respondents. Hence, learned counsel for the applicant submits that T.A. be allowed in favour of the applicant.

7. On the other hand, learned A.A.G. while opposing the prayer of the applicant submits that the applicant has been appointed on compassionate grounds and there is no rule which would permit the applicant to be appointed in a civil department as such, the T.A. being meritless deserves to be dismissed.



8. Heard Mr. Rahul Pant, Sr. Advocate, assisted by Mr. Aniruddha Sharma, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. for the respondents and perused the records.

9. The admitted facts of the case are that after the death of husband of the applicant, who was a Police personnel, the case of the applicant was recommended for appointment as Police Follower on compassionate grounds under SRO 43 of 1994. Perusal of the Government Orders placed on record by the applicant reveals that in a number of cases, the widows of deceased Police personnel have been appointed in Civil departments. There is a precedent for the applicant to be appointed in a Civil department. It is not disputed that the applicant is the sole member of her family and is having two minor daughters to support and look after and that the job of Police Follower is a 24 X 7 job.

10. Looking to the facts and circumstances of the case as noted above, the T.A. is allowed with direction to the respondents to consider the case of the applicant for being appointed against a non-gazetted post in a Civil Department in terms of SRO-43 of 1994 within a period of two months from the date of receipt of a certified copy of this order.

11. No order as to cost.

**(RAKESH SAGAR JAIN)
MEMBER (J)**

Arun