



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

TA No. 5664/2021  
(SWP No. 1970/2007)

Wednesday, this the 30<sup>th</sup> day of June, 2021

(Through Video Conferencing)

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

Robina Kouser  
Wd/o Late Noor Hussain  
R/o Kotedhara Tehsil & District Rajouri  
Age 24 years.

...Applicant

(Ms. Manpreet Kour, Advocate)

### **VERSUS**

1. State of Jammu& Kashmir  
Through Chief Secretary  
Govt. of J&K  
Civil Secretariat, Jammu.
2. Financial Commissioner  
Jammu& Kashmir Government  
Civil Secretariat, Jammu.
3. Principal Secretary to Government  
General Administration Department  
J&K Govt.  
Civil Secretariat, Jammu.
4. Deputy Commissioner  
Rajouri.

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General for Mr.  
Sudesh Mangotra, Deputy Advocate General)



## ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant states that her husband, late Noor Hussain was killed by Pakistani militants in the intervening night of 29<sup>th</sup> and 30<sup>th</sup> December, 2002. FIR No.423/2002 is said to have been registered at Police Station, Rajouri on 30.12.2002 under Sections 302, 364, 120-B, 124 of RPC etc.

2. The applicant made a representation for extending her, the benefit of appointment on compassionate grounds in terms of SRO 43 of 1994. When there was no response at all, the applicant filed SWP No.1970/2007 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to extend the benefit of appointment on compassionate ground in terms of SRO 43 of 1994.

3. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 5664/2021.

4. Today, we heard Ms. Manpreet Kour, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General *vice* Mr. Sudesh Mangotra, learned Deputy Advocate General.



It was way back in the year 2002, that the husband of the applicant was killed by militants. The Government framed a policy in SRO 43 of 1994 for extending the help to the members of the families of the persons, who were victims of the militants. The reasons on account of which the plea of the applicant was not considered, are not immediately before us.

6. Though the applicant submitted a representation, no steps were taken thereon. The indifference is evident from the fact that the SWP was filed in the year 2007 and till now, no reply is filed.

7. Before the SWP was transferred to the Tribunal, the Hon'ble High Court passed an order dated 10.02.2021 observed that the applicant has relinquished her claim for appointment on compassionate ground and she restricts her claim to the one, of payment of *ex gratia*. Though the Hon'ble High Court directed the respondents to file an affidavit in that behalf, nothing is forthcoming. The applicant cannot be left without any relief any longer.



We, therefore, dispose of the T.A., directing that:

- (a) It shall be open to the applicant to make a fresh representation duly referring to the relevant provisions of law, within four weeks from today; and
- (b) On receipt of the representation made by the applicant, the respondents shall pass appropriate orders thereon, within six weeks thereafter. If the amount is sanctioned, it shall be paid within four weeks from the date of such order.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**June 30, 2021**  
/sunil/jyoti/