



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 4550/2020
(S.W.P. No.1685/2015)

Wednesday, this the 5th day of May, 2021

(Through Video Conferencing)

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

1. John Mohd Lohar s/o Ab Jabbar Lohar
r/o Lachipora Boniyar
District Baramullah
A/p Khwaja Bagh Baramullah, age 28 years
2. Waseem Raja s/o Ab Jabbar Lohar
r/o Lachipora Boniyar
District Baramullah
A/p Khwaja Bagh Baramullah, age 28 years

..Applicants

(Mr. M. Ashraf Wani, Advocate)

VERSUS

1. State of J & K through Financial Commissioner/
Secretary to Home Department
Civil Secretariat Srinagar/Jammu
2. Director General of Police Kashmir, Srinagar
3. Inspector General of Police Kashmir, Srinagar
4. Deputy Inspector General of Police NKR Baramullah
5. Deputy Commissioner Baramullah

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants claim to be the sons of one Mr. Ab Jabbar Lohar. According to them, Mr. Ab Jabbar Lohar was working as Head Constable in the Jammu & Kashmir and died in an accident



on 04.06.2008 while in service. It is stated that the deceased Ab Jabbar Lohar was survived by his wife, two sons (the applicants), including himself and four daughters. The applicant No.1 filed a representation before the respondents with a request to provide him the appointment on compassionate grounds. He has also stated that he acquired the requisite qualifications.

2. According to the applicants, the Deputy Inspector General of Police, NKR Baramullah is said to have passed an order dated 24.04.2009, stating that according to the particulars furnished in the educational certificates of applicant No.1, his caste is shown as “Khan”, whereas in the Permanent Residence Certificate (PRC), his caste is mentioned as “Ahengar” (Lohar). Stating that the discrepancy is minor and the respondents are under obligation to consider the case of applicant No.1 for appointment on compassionate grounds, the applicants filed SWP No.1685/2015 before the Hon’ble High Court of Jammu & Kashmir. It is pleaded that the discrepancy pointed out in the correspondence, that ensued between various authorities, is very trivial and there is no basis to reject his case appointment.

2. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.4550/2020.



3. The T.A. was listed on earlier occasions and there was representation for the applicants. Today also, there is no representation for the applicants. We have perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

4. The applicant No.1, no doubt, made a claim for compassionate appointment. Even according to the contents of the T.A., it is evident that the authorities noticed serious discrepancies in community of the applicant No.1. They pointed out that in the educational certificates, the caste of the applicant No.1 is shown as “Khan”, whereas in PRC, it is mentioned as “Ahengar” (Lohar). The applicant No.1 was not able to demonstrate that he is the son of the deceased employee. Further, he alone could not have pursued the remedy and there are other family members, such the wife and four daughters of the deceased.

5. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 5, 2021
/sunil/jyoti/sd/