

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5737/2020
(SWP No.2339/2014)

Thursday, this the 8th day of July, 2021

(Through Video Conferencing)

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

Abdul Rashid Ganaie (Age: 30 years),
S/o Mohammad Jamal Ganaie,
R/o MachamaTral District Pulwama.

...Applicant

(*Nemo* for applicant)

Versus

1. State of J&K through
Commissioner/Secretary to
Government General Administration Department
Education,
Civil Sectt. Jammu/Srinagar.
2. Commr/Secretary to
Govt. Technical Education Department,
Civil Sectt. Jammu/Srinagar.
3. Director, Technical Education Department,
J&K.
4. Superintendent Woman's Industrial
Training Institute, Pampore.

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Chowkidar on compassionate grounds, on account of death of his brother. He filed SWP No.2339/2014 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to appoint him in the lowest rank of the non-gazetted cadre, commensurate with his qualifications. A prayer is also made for promotion to the next higher post. Several other ancillary reliefs, such as posting him within the home district, granting the benefit of casual and earned leaves, are also prayed for.

2. The applicant contends that the benefit was extended to him under SRO No.43 of 1994 but the exact one, provided for under that, was denied. Earlier, he filed SWP No.1847/2012 before the Hon'ble High Court of Jammu & Kashmir in this behalf. That was disposed of vide order dated 05.09.2012, directing the respondents to pass orders on the representation submitted by the applicant.

3. The respondents filed a counter affidavit opposing the case of the applicant. It is stated that the very purpose of providing compassionate appointment is to enable the family of the deceased, to have its livelihood and the applicant cannot insist on being appointed to a higher post. It is also stated that in

compliance with the directions of Hon'ble High Court in SWP No.1847/2012, the respondents passed an order dated 15.04.2013.

4. 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.5737/2020.

5. Today, there is no representation on behalf of the applicant. We perused the record and heard Mr. Rajesh Thappa, Deputy Advocate General.

6. The applicant was extended the benefit of compassionate appointment on account of death of his brother due to attack by militants. The objective is to ensure that the family is not left without any means. Simply because the applicant holds superior qualifications, he cannot insist on being appointed to a higher post. At any rate, the respondents have passed an order dated 15.04.2013 in terms of the directions of Hon'ble High Court. If he feels aggrieved, he has to avail the remedies in a different forum.

7. 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

July 8, 2021
/sunil/rk/