

Item No.3



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5998/2020
S.W.P. No.212/2010

Monday, this the 22nd day of March, 2021

(Through Video Conferencing)

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

Mushtaq Ahmad Dar
S/o C. Quadir Dar
R/o Aadbal Dooru, District Anantnag
Kashmir, Aged 32 years.

..Applicant

(Nemo for the applicant)

VERSUS

1. State of J&K through Commissioner/Secretary to Govt.
General Administration Department, Civil
Sectt., Srinagar/Jammu

2. Deputy Commissioner Anantnag.

..Respondents

(Mr. Rajesh Thappa, Dy. Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant filed a representation to the Government with a request to extend him the benefit of compassionate appointment, stating that his brother by name Shabir Ahmad Dar was kidnapped and killed by the extremists. FIR No.90/1998 is said to have been filed. By referring to the scheme, which



provides for such re-habilitation, the applicant made a request. The Deputy Secretary to the Government, General Administration Department, Srinagar /Jammu addressed a letter dated 12.11.2009 in respect of 22 applications filed for the benefit of compassionate appointment. It was mentioned that the deceased, mentioned against the names of the respective applicants, were found to have involved in the subversive activities; and accordingly, the benefit cannot be extended.

2. The applicant filed SWP No.212/2010 before the Hon'ble High Court of Jammu & Kashmir, challenging the communication dated 12.11.2009. He pleaded that the brother of the applicant was kidnapped and killed by the extremists and FIR merely establishes the same.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the matter was inquired into, on receipt of the application and it was found that the brother of the applicant by name Shabir Ahmad Dar was associated with Ikhwan group and that the Army Camp, which is said to have issued a certificate to the applicant, has no jurisdiction to issue it. The details of the alleged involvement of the applicant's brother are furnished in the counter affidavit.

4. The SWP has since been transferred to this Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as T.A. No.5998/2020.

5. The T.A. was heard on earlier occasion and thereafter it was adjourned twice. There was no representation for the applicant. Today also, there is no representation and accordingly, we perused the records and heard Mr. Rajesh Thappa, learned Deputy Advocate General.



6. The applicant claims the benefit of compassionate appointment by stating that his brother, Shabir Ahmad Dar was kidnapped and killed by the extremists. It is not in dispute that there exists schemes for re-habilitation of the persons, who became victims of extremism. Whenever such applications are received, the concerned Department undertakes inquiry and if it is found that the deceased was killed by the extremists, the corresponding benefit is extended. In the instant case, the representation made by the applicant was examined in detail by the Police. The Additional Director General of Police, CID, J & K, Srinagar issued a report on 19.08.2009. It was mentioned that Shabir Ahmad Dar was affiliated to Ikhwan group and was indulging in separatist activities. Taking the same into account, the impugned order was passed.

7. It is almost as a welfare measure, that the dependents of the victims of extremism are extended the benefit of compassionate appointment. Once it emerges that the so-called victim himself was associated with extremist elements, the question of granting compassionate appointment does not arise.

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



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 22, 2021
/sunil/jyoti/vb/ankit/