



Government of Jammu and Kashmir
Forest, Ecology and Environment Department
Civil Secretariat, J&K, Jammu/Srinagar.

Subject:- Consideration of the claim of the petitioner in compliance with the order dated 19.09.2019 passed by the Hon'ble Court in WP(C) No. 3368/2019 titled Jaswant Singh Vs State Of J&K and Others.

Government Order No. 304 - JK(FST) of 2024
Dated: 20 .12.2024

Whereas; the petitioner namely, Mr. Jaswant Singh had approached the Hon'ble Court through the medium of writ petition that came to be numbered as WP(C) No. 3368/2019 titled Jaswant Singh Vs State of J&K others, seeking therein, *inter alia*, appointment on compassionate grounds under SRO-43 of 1994;


Whereas, the said writ petition was disposed of by the Hon'ble Court vide its order dated 19.09.2019, the operative part of which reads as under:-

"...The petition is disposed of with a direction to the respondents to treat the instant writ petition as a representation and determine the eligibility of the petitioner for compassionate appointment in accordance with the rules. Let an appropriate decision be taken preferable a period of three months from the date a copy of this order is made available to the respondents..."

Whereas, the father of the petitioner late Sh. Om Singh (Deceased Helper of Ramban Forest Division), died in harness on 27-11-2007 as per the death certificate issued by the SHO Police Station Ramban vide his No. 55/15-B dated 02-12-2007;

Whereas, the father of the petitioner was regularized vide Forest Order No. 119 of 2019 dated 20.06.2019 w.e.f 2002 and the case of the petitioner for compassionate appointment was processed after the regularization of the services of his deceased father.

Whereas, after the examination of the case of the petitioner it came to fore that the petitioner was 09 years, 07 months & 07 days only at the time of death of his father, as per the 10th Diploma Certificate (20.04.1998), and as such, a relaxation in lower age bar required. Further, the applicant has applied for compassionate appointment under SRO-43 of 1994 after a gap of more than 13 years after the death of his father vide his application dated 05.02.2020.


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Whereas, Rule-3 of the Jammu and Kashmir Compassionate (Appointment) Rules, 1994 notified vide SRO-43 of 1994 provides as under:-

3 – Appointment under these rules – (1) Notwithstanding anything contained in any rule or order for the time being in force regulating the procedure for recruitment in any service or post under the Government, an eligible family member of a person specified in rule 2 may be appointed against a vacancy in the lowest rank of non-gazetted service or Class IV post having qualification as prescribed under the relevant Recruitment Rules.

Provided that the applicant is eligible and qualified for such post or acquires such eligibility and qualification within a period of one year from the date of death of the deceased person specified in rule 2:





Provided further that no application for compassionate appointment under these rules shall be entertained after the expiry of one year from the date of death of the deceased person.

Whereas, it is evident from the above stated rule that in order to be eligible for compassionate appointment under the provisions of SRO 43 of 1994, it is obvious that the applicant shall either be eligible and qualified for such post on the date of the death of the deceased or in the alternative, he shall acquire such eligibility and qualification within a period of five years from the date of the death of the deceased and also that the application for compassionate appointment under the said SRO shall be made within a period of one year from the said date.

Whereas, the case of the petitioner was examined in the department in its entirety and it came to fore that the applicant /petitioner has applied for compassionate appointment after a gap of more than 13 years after the death of his father. Besides, the applicant requires relaxation in lower age bar by more than 8 years, which is not covered under relaxation policy of the Government. As such, the case of the applicant does not merit consideration under the provisions of SRO-43 of 1994.

Whereas, SRO 43 of 1994 has been amended vide SRO 120 of 2018 and sub rule (6) has been added in Rule 5 of SRO 43 of 1994 and explanation to sub rule (6) reads as under:

"...Explanation :—Only pending/rejected cases on the date of issuance of SRO Notification 120 of 2018 dated 05-03-2018, shall be decided in accordance with the said notification..."





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Whereas, the petitioner made an application for compassionate appointment on 25.05.2019 i.e after the coming into force of SRO 120 of 2018 and thus neither the case of the petitioner was pending on the date of the issuance of the said SRO nor the case of the petitioner was rejected on that date. So as per the explanation, the case of the petitioner does not fall under sub rule 6 of SRO 120 of 2018.

Now, therefore, keeping in view the afore-stated position, claim of the petitioner having been considered in deference to the order dated 10.09.2019 passed by the Hon'ble Court in WP(C) No. 3368/2019, for compassionate appointment is found devoid of merits. Accordingly, the claim of the petitioner is rejected.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Shailendra Kumar), IAS
Principal Secretary to the Government

No: FST-Lit/307/2024-02

Dated: 20.12.2024

Copy to the:-

1. Advocate General, Jammu and Kashmir.
2. Principal Chief Conservator of Forests & HoFF, J&K.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Director, Archives, Archaeology and Museums, J&K.
5. Officer on Special Duty (OSD) with Hon'ble Minister, Forest, Ecology & Environment Department, Government of Jammu and Kashmir, for kind information of the Hon'ble Minister.
6. Additional Secretary (Legal), Forest, Ecology and Environment Department.
7. Private Secretary to the Principal Secretary to the Government, Forests, Ecology & Environment Department
8. I/c Website.
9. Government Order file (w.3.s.c)/Stock file.

Raj Kumar
20.12.24
(Raj Kumar)
Under Secretary to the Government