



Government of Jammu and Kashmir
Civil Secretariat, Home Department
Srinagar/Jammu

Subject:- LPA No.74/2007 in case titled Mohammad Amin Sofi V/S
State of J&K and others.

Ref:- U.O. No: FD-VII-2(28)2235/Ex-gratia/97 dated 29.3.2016 of the
Finance Department.

Government Order NO: Home-³⁷³(Relief) of 2016

D a t e d :- 30. 06 . 2016

Whereas, on 23.6.1994 at about 1700 hrs, the petitioner namely Mohammad Amin Sofi S/O Mohammad Sadiq Sofi R/O Abiguzar, Srinagar was apprehended by the troops of BSF at Neelam Chowk, Srinagar on suspicion, and

Whereas, the petitioner was subsequently admitted in Bones and Joints Hospital, Srinagar where, it was found that hip bone of the petitioner was fractured; and

Whereas, an amount of ₹ 25,000/- was sanctioned as ex-gratia in favour of the petitioner by the Deputy Commissioner, Srinagar, vide order NO: DCS/R/2 of 1995 dated 25.7.1995, on account of injuries; and

Whereas, the petitioner filed OWP No.1294/1996 titled Mohammad Amin Sofi Vs. State of J&K and others before the Hon'ble High Court, Srinagar, seeking therein directions to the respondents to pay him ₹ 5.00 lakh as compensation. The Hon'ble High Court, Srinagar, vide its order dated 14.2.2007 disposed of the above writ petition as under:-

“...The question is whether petitioner had sustained injury on left thigh or neck of femur, are the disputed questions of fact and cannot be decided by this court. Furthermore, the documents referred to hereinabove, as annexed by the petitioner with his petition are at variance and no relief can be granted to him on this ground.

For the foregoing discussions, this petition being without merits is dismissed alongwith all connected CMPs.

Whereas, aggrieved of the decision of the Hon’ble Single Bench, the petitioner namely Mohammad Amin Sofi filed an LPA No. 74/2007 before the Hon’ble High Court, Srinagar. The Hon’ble Division Bench vide order dated 11.08.2015 set aside the order of the Ld. Single Judge and allowed the LPA. The operative part of the order dated 11.8.2015, inter-alia, reads as under:-

“...Letters Patent Appeal is allowed and the writ court order dated 14.2.2007 set aside. The writ petition is disposed of with directions to respondents to pay an amount of Rs.5.00 lacs as compensation to appellant. Let the amount be paid within three months from the date of judgement where after it will carry interest @ 9% PA....”

Whereas, the matter was referred to the Department of Law, Justice & Parliamentary Affairs for accord of sanction to the filing of SLP against the aforesaid order dated 11.8.2015 of the Hon’ble Division Bench in LPA No.74/2007 titled Mohammad Amin Sofi Vs. State of J&K and others; and

Whereas, the Department of Law, Justice & Parliamentary Affairs vide U.O. dated 08.12.2015 returned the case with the following advice:-

