

**GOVERNMENT OF JAMMU AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT.**

**Notification
Jammu, the 22nd February, 1994**

SRO-43. —In exercise of the powers conferred by section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make the following rules, namely :-

1. Short title and commencement. — (1) These rules may be called the Jammu and Kashmir (Compassionate Appointment) Rules, 1994.

(2) These rules shall be deemed to have come into force from the 24th day of September, 1991.

2. Application of rules: - These rules shall apply to the compassionate appointment of a person who is a family member of: -

- (i) a Government employee who dies in harness other than due to militancy related action ;
- (ii) a Government employee who dies as a result of militancy related action *[or due to enemy action on the line of Actual Control/International Border within the State of Jammu and Kashmir] and is not involved in militancy related activities;
- iii) a civilian who dies as a result of militancy related action*[or due to enemy action on the line of Actual Control/International Border within the State of Jammu and Kashmir] not involved in militancy related activities and total income of the family from all sources does not exceed ***Rs. 5000/-per month as assessed by the Revenue Officer not below the rank of an Assistant Commissioner;
- (iv) ** [A member of the Armed Forces not above the rank of Junior Commissioned Officer or a member of Paramilitary Forces of equivalent rank who is a permanent resident of State and is killed while discharging the duties in connection with law and order in the State of Jammu and Kashmir or as a result of enemy action on the Line of Actual Control/*[International Border]

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- Recast vide SRO-211 of 1995 dated 28-8-1995
 - Recast vide SRO-25 of 1995 dated 07.02.1995
 - *** Recast vide SRO-39 of 2006, dated 03-02-2006

(2)

Explanation: — For purposes of these rules.

- (a) 'Armed Force' means Navy, Military, Air Force;
- (b) 'Para Military Force' means a force constituted under any law for the time being in force made by the Competent Legislature;
- (c) 'Permanent Resident' means the permanent resident of the State of Jammu and Kashmir as defined section 6 of the Constitution of Jammu and Kashmir;
- (d) 'Family Member' means spouse, son, daughter, adopted son, adopted daughter, sister or brother *[xx] dependent on the deceased.

3- Appointment under these rules—“(1) ** [xx] 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.”

- (2) **Nothing in sub-rule (1) shall delegate from the powers of the Government in General Administration Department to appoint at its discretion a candidate to a higher post in the non-gazetted service if he/she is a family member of a deceased Government employee or a civilian killed in the militancy related action.**
- (3) *****[XXX]Notwithstanding the provisions of the rules contained herein for compassionate appointment, the family members of the civilians killed in militancy related action as specified in clause (iii) of rule 2 shall be entitled to a cash compensation in lieu of appointment in government service of an amount specified by the government which shall be payable in their favour in a manner to be notified by the government.**

Provided that if any one among the family members of the deceased civilian fulfills the eligibility criteria prescribed under the aforesaid Rules for appointment into the government service or acquires such eligibility within one year from the date of death of the deceased person, then they shall have the option either to choose the government service or the cash compensation.

4- Appointment cases of death in harness:- Appointment under these rules in respect of a family member of a Government employee who dies in harness due a cause other than militancy related action shall be made by Head of the Department concerned: provided that:-

- i) **Where no post is available in the office or subordinate offices of the Head of the Department, the proposal for appointment shall be submitted to the Administrative Department concerned and where there is no post available in the Administrative Department concerned also, the case shall be referred to the General Administration Department for appointment of the candidate in any other Department; or**
- ii) **Where any such appointment is to be made in relaxation of rules, such cases shall be submitted to the General Administration Department in coordination.**

*[xx] Word “wholly” deleted vide SRO 211 of 1995 dated: - 28-8-1995

** [xx] Recast vide SRO-201 of 2007 dt. 04.06.2007

***[XXX] After sub-rule (2) of Rule 3, sub-rule 3 has been inserted vide SRO 199 dt. 04.07.2008.

5. Appointment in other cases:—(1) Appointment under these rules in respect of a member of the family of a Government employee or a civilian who has died as a result of militancy related action or in respect of a family member of the officer or armed force or Para-military force, shall be made by the *[Deputy Commissioner concerned] in accordance with the procedure hereinafter prescribed.

(2) A family member of **a civilian who dies as a result of militancy related action may apply for appointment against any suitable vacancy to the Deputy Commissioner of the District in which he or she resides. *[Deputy Commissioner after making such enquires as may be necessary and on recommendations of the District Level Coordination-Cum-Screening Committee, may issue appointment orders for his or her adjustment against a vacancy in the District concerned in any Department under the Government in accordance with provisions of rule 3 hereinabove:

“***Provided that in the case of a SPO engaged by the Police Department who dies as a result of militancy related action, a family member may apply for appointment against a vacancy to the Director General of Police who, after conducting such enquires as may be required, may issue an appointment order for his/her adjustment in the Police Department in accordance with the provisions of rule 3.”**

“* 2(a) A family member of Government employee who dies as a result of militancy related action may apply for appointment against any post to which he or she is entitled under these rules to the Deputy Commissioner of the District in which he or she resides. Deputy Commissioner shall after making such enquires as may be necessary, and, on clearance by the District Level Coordination-Cum-Screening Committee, forward the case of the applicant to the Head of the Government Department administering the services or cadre to which the deceased employee belonged. The Head of the Government Department may make the appointment in accordance with provisions of rule 3 and rule 4 of these rules. All pending cases shall be dealt with accordingly.”**

(3)** A family member of a deceased member of armed force or para-military force who is eligible for appointment under these rules may apply against for appointment against a suitable vacancy to the Deputy Commissioner concerned through the Commanding Officer of the Unit in which the deceased member of the armed force or Para-military force was last serving. The Deputy Commissioner after making such enquiries as may be necessary and on the recommendations of the District Level Coordination-Cum-Screening Committee, may issue appointment orders for his or her adjustment against a vacancy in the District concerned in any Department under the Government in accordance with provisions of rule 3 hereinabove.**

6. Grant of scholarship —The Government may on the recommendations of the Competent Authority grant suitable scholarship up to the tune of Rs. 100/- per month to the family member of a deceased employee till such time as they pass matriculation examination. Such scholarship shall be sanctioned by the Government in the Education Department.

7. Power to relax—The Government may relax the lower or upper age limits or education/technical qualification, as the case may be, in deserving cases. All such cases shall be processed through General Administration Department in coordination.

****** Recast vide SRO-88 of 1996 dt. 29.02.1996.**

*** Recast vide SRO-211 of 1995 dt. 28.08.1995.**

**** “Word” “Government employee” deleted vide SRO-39 of 2006 dt. 03.02.2006**

***** After sub-rule (2) of rule 5, 2(a) has been inserted vide SRO-39 of 2006 dt. 03.02.2006.**

******* In rule 5, the full stop(.) at the end of sub-rule 2 shall be substituted by colon (:) and proviso has been added vide SRO-302 of 2009 dated 01.10.2009**

(4)

8- Interpretation:-If any question about the interpretation of these rules, the decision of the Government in General Administration Department shall be final.

9- Repeal and saving.—The Jammu and Kashmir Appointment on Compassionate Grounds Rules, 1991 are hereby repealed:-

Provided that such repeal shall not:-

- (a) affect the action taken, orders issued or appointments made under the rules so repealed; or**
- (b) affect the revival of such cases as have been decided under the said rules but fall within the ambit of these rules ; or**
- (c) affect the cases whether pending on the commencement of these rules or the cases where death of the person specified in rule 2 occurred due to militancy related action prior to the commencement of these rules and all such cases shall be dealt with in accordance with the provision of these rules.**

By order of the Governor.

(Sd/)
Secretary to Government
General Administration Department.