



Subject:- SWP No. 1764/2016, CMP No. 01/2016 titled Naveed-Ul-Islam Bhat and Others V/S State and Others.

**Government Order No. 1239-Home of 2017**

**Dated:- 22 -09-2017**

Whereas the following persons filed a Writ Petition No. 1764/2016, MP No. 01/2016 before the Hon'ble High Court at Srinagar.

- i. Shri Naveed-Ul-Islam Bhat S/o Late Constable Ghulam Mohi-din Bhat R/o Sulkote Kupwara.
- ii. Showkat Ahmad Ganie S/o Late Sgct Ghulam Nabi R/o Dardpora, Lolab, District Kupwara,
- iii. Aadil Hussain Ganie S/o Late Constable Altaf Ahmad Ganie R/o Gudder Kulgam.
- iv. Aijaz Ahmad S/o Late HC Abdul Rehman R/o Kuligam Tehsil and District Kupwara.

2. Whereas, the Hon'ble Court vide order dated 11-11-2016 has been pleased to pass the following order in the above SWP:-

“...Respondents to consider the claim of the petitioners for compassionate appointments in terms of SRO-43 of 1994”

3. Whereas, the compassionate appointment case of Naveed-Ul-Islam Bhat (Petitioner No. 01) was forwarded by PHQ vide letter No. Pers-A-125/2010/35492 dated 03-07-2014 for consideration of his appointment as Constable in lieu of death of his father, who was killed in a militancy related incident. However, the case was not covered under SRO-43, as the applicant has failed to apply for appointment under SRO-43 within the statutory period of one year, and has also not acquired the prescribed age/qualification within the statutory period prescribed under the rules.



4. Whereas, the compassionate appointment case of Showkat Ahmad Ganie (Petitioner No. 02) was forwarded by PHQ vide letter No. Pers-A-174/2011/879-81 dated 07-01-2012 for consideration of his appointment in any Civil Department in lieu of death of his father, who was killed in a militancy related incidents, in relaxation of lower age limit, qualification/relevant rules. The case upon examination was not covered under SRO-43, as the applicant has failed to apply within a statutory period of one year and has also not acquired the prescribed age/qualification within the statutory period prescribed under the rules.

5. Whereas, the compassionate appointment case of Sh. Aadil Hussain Ganie (Petitioner No. 03) was forwarded by PHQ vide letter No. Pers-A-142/2010/24627-29 dated 29-05-2013 for consideration of his appointment as Constable in lieu of death of his father, who was killed in a militancy related incident, in relaxation of lower age limit, qualification/relevant rules. The case upon examination was not covered under SRO-43 as the applicant has failed to apply within a statutory period of one year and has also not acquired the prescribed age/qualification within the statutory period prescribed under the rules.

6. Whereas, the compassionate appointment case of Aijaz Ahmad Mir (Petitioner No. 04) was forwarded by PHQ vide letter No. Pers-A-35/2011/26353-55 dated 31-05-2011 for consideration of his appointment as Constable in lieu of death of his father, who was killed in a militancy related incident, in relaxation of lower age limit, qualification/relevant rules. The case upon examination was not covered under SRO-43 as the applicant has failed to apply within a statutory period of one year and has also not acquired the prescribed age/qualification within the statutory period prescribed under the rules.

7. Whereas, an amendment was carried out in SRO-43 by virtue of SRO-255 of 2016 which envisaged, inter alia that “(A) Notwithstanding anything contained in provisos first and second to sub rule (1) of rule 3 of these rules, spouse, unmarried son and unmarried daughter of a deceased Police Personnel/SPO who died as a result of militancy related incident may be considered for appointment in the Police Department under these rules by the General Administration Department on case to case basis subject to the condition that Director General of Police certifies that the said Police Personnel/SPO has been killed in a militancy-related incident. In case the applicant does not possess the required physical standards as per the Police Rules, he/she shall be considered for appointment against the post of Class-IV (Follower) in Police Department.



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

8. Whereas, the cases of petitioners were examined in light of SRO-255 of 2016 and it is found that the petitioners are married as admitted by them in their Writ petition and, therefore, are not covered under SRO-255 of 2016.

Now, therefore, the claims of the petitioner No's. 1-4 having been considered in due deference to the order dated 11.11.2016 passed by the Hon'ble High Court in SWP No. 1764/2016, CMP No. 01/2016 titled Naveed-Ul-slamn Bhat and Others V/S State and Ors, have been found devoid of any merit and are accordingly, rejected for the reasons mentioned hereinabove.

Sd/-  
(R.K Goyal)IAS  
Principal Secretary to Government,  
Home Department

No. Home/SRO-43/42/2011  
Copy to the:-

Dated:- 20 -09-2017

1. Principal Secretary to Hon'ble Chief Minister.
2. Director General of Police, J&K, Srinagar.
3. Commissioner/Secretary to Government, General Administration Department.
4. Private Secretary to Principal Secretary Home Department.
5. Concerned.
6. I/C Website, Home Department.
7. Government Order file/stock file.

(Mushtaq Ahmad)KAS  
Deputy Secretary to Government,  
Home Department