

Government of Jammu and Kashmir
Home Department
Civil Secretariat Jammu

Subject :- OWP No. 787/2007 titled Inder Parkash Vs Union of India and others S/O Dewan Chand R/O Village Neota Seri, Tehsil Bhandarwah, Distt. Doda

Government Order No: 34 -Home of 2022
Dated: 10.02.2022

1. Whereas, the Home Department received the communication from the Government Counsel in year 2021 about the pendency of the present petition. That after the receipt of the communication the matter was taken up with the PHQ vide letter dated 12.11.2021, with the request to furnish a detailed report and action taken in the matter with regards to the instant petition; and
2. Whereas, in response to the above, the PHQ vide No. legal/OWP-33/J/2007/67258-59 dated 23.11.2021 followed by communication dated 10-01-2022 informed that on receipt of the ex-gratia claim and subsequent correspondence from IG BSF FTR Hqrs Srinagar, Ex-gratia relief of Rs. 10,000/- was sanctioned in favour of Ex Constable Inder Parkash No. 93254120 of 89 Bn BSF, vide PHQ Order No. 3148 of 2008 dated 03.10.2008 and in terms of Government Order No. 723-GR(GAD) of 1990 dated 10.07.1990, as per the policy applicable at that point of time; and
3. Whereas, pursuant to above, the payment on this account drawn by FA/CAO PHQ vide TV No. 145/2055 dated 13.01.2009 was transferred/credited to IGP Kashmir Zone vide cheque No. 50571 dated 23.01.2009. Further as per report received from concerned quarters the communication of BSF Hqrs Srinagar dated 12.11.2021, an amount of Rs.2,20,000/- payable to 08 persons of various units of the BSF including the amount of Rs.10,000/- sanctioned in favour of the petitioner was remitted to IG BSF, FTR Hqrs. Srinagar vide cheque no.14465414 dated 27.01.2009. The said amount was duly received by the BSF Hqrs and paid to all the concerned individuals wherein the Ex-Gratia amount was disbursed to the Ex-Constable (petitioner) by DDO 89 Bn BSF through registered post vide bank draft No. 781290 dated 16.04.2009; and
4. Whereas, the PHQ further informed that as per record ex-gratia relief has been sanctioned in favour of Ct. Inder Parkash in view of the disability awarded to him in light of medical board proceeding. The Percentage of disability awarded to him had not been categorized whether permanent or partial in the certificate. Beside standing procedures governing grant of ex-gratia relief in terms of Govt. Order No. 723-GR(GAD) of 1990 dated 10-07-1990 read with Govt. Order No. 125-GAD of 1997 dated 27-01-1997 envisages ex-gratia for permanent/partial disability without significant limit of any percentage; and
5. Whereas, while a number of claims have been considered and re-viewed by the PHQ for the payment of enhancement in the ex-gratia relief from partial to permanent disability in the past, no such request was received from concerned BSF authority by the PHQ in the instant case; and
6. Now, therefore, taking note that the amount of ex-gratia as payable has been paid to the petitioner in 2009, the claim of the petitioner, upon examination

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in consultation with the PHQ, and in light of Court order dated 06-03-2020, is found to be devoid of merit and accordingly rejected .

By Order of Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

Principal Secretary to the Government
Home Department

Dated:- 10 . 02.2022

No:-Home-RLF/68/2021-01/CC-66060

Copy to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor.
2. Director General of Police, J&K.
3. Director, Archives, Archaeology and Museums, J&K.
4. Sh. Raman Sharma, Ld. Addl. Advocate General Hon'ble High Court, J&K, Jammu with the request to apprise the Hon'ble Court.
5. Private Secretary to Principal Secretary to the Government, Home Department
6. In-charge website, Home Department.
7. Inder Parkash S/O Dewan Chand R/O Village Neota Seri Tehsil Bhaderwah Distt. Doda.
8. Government order file /Stock file.

Copy also to the :-

- 1 Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.



(Parveen Kumar) JKAS

Additional Secretary to Government
Home Department