



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

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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.

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**Government Order NO: Home-<sup>373</sup>(Relief) of 2016**

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

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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:-

**“...Returned. The Department is advised to implement the judgement of the Hon’ble Division Bench dated 11.08.2015.”**

Whereas, the matter after being further examined was again referred to the Department of Law, Justice & Parliamentary Affairs for re-consideration of their advice conveyed vide U.O. dated 08.12.2015; and

Whereas, the Department of Law, Justice & Parliamentary Affairs vide U.O. 19.01.2016 returned the case with the following advice:-

**“...Returned. The Department is advised that the opinion already conveyed by this Department vide U.O. U.O.No: LD(Lit)2007/549-Home dated 08.12.2015 still holds good”**

Whereas, in light of opinion(s) of the Department of Law, Justice and Parliamentary Affairs conveyed vide U.O. dated 19.01.2016, the case was referred to the Finance Department for its concurrence to the release/payment of Rs.4.75 lacs, out of available funds to implement the order of the Hon’ble High Court; and

Whereas, the Finance Department vide U.O. dated 29.3.2016, inter-alia, conveyed its concurrence as under:-

**“...Home Department is authorized to release amount of Rs.4.75 lakhs (Rupees four lakhs seventy five thousand only) in LPA No.74/2007 titled Mohammad Amin Sofi Vs. State of J&K and others out of funds available with the Department for 2015-16 under Detailed Head “032 –Relief & Rehabilitation below Major Head: 2055-Police, “117-Internal Security” “Sub Head: 0957-Internal Security”,. Besides, concurrence to the advance drawal of the said amounts is also conveyed herewith....”**

Now therefore, in compliance with the Order dated 11.08.2015 passed by the Division Bench of the Hon’ble High Court, Srinagar, in LPA No.74/2007 titled Mohammad Amin Sofi Vs. State of J&K and others,

sanction is hereby accorded to the drawal of Rs. 4.75 lakhs (Rupees four lacs and seventy five thousand only) by Director, Finance, Home Department out of the funds available for the year 2016-17 under detailed head 032 (Relief & Rehabilitation) below Major Head 2055 police "117 Internal Security, Sub Head 0957 Internal Security" in favour of the appellant namely Mohammad Amin Sofi S/o Mohammad Sadiq Sofi R/o Abiguzar, Srinagar.

The amount is payable to the appellant namely Mohammad Amin Sofi S/o Mohammad Sadiq Sofi R/o Abiguzar, Srinagar through Deputy Commissioner, Srinagar.

By order of the Government of Jammu and Kashmir

Sd/-

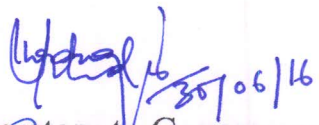
Principal Secretary to Government  
Home Department

NO: Home/SHRC/79/2015

Dated: 30 -06-2016

Copy to the:-

1. Principal Secretary to Hon'ble Chief Minister.
2. Director General of Police, J&K.
3. Commissioner Secretary to Government, Finance Department.
4. Divisional Commissioner, Kashmir.
5. Commr./Secretary to Government, General Administration Department.
6. Director Finance, Home Department.
7. Deputy Commissioner, Srinagar.
8. Sr. Addl. Advocate General, J&K High Court, Srinagar.
9. Private Secretary to Principal Secretary (Home).
10. Sh. Mohammad Amin Sofi S/O Mohammad Sadiq Sofi R/O Abiguzar, Srinagar.
11. I/C Website, Home Department.
12. Government order files (w.2.s.c.)
13. Stock file.

  
Additional Secretary to Government  
Home Department  
30.6.16