

Government of Jammu and Kashmir
Home Department
Civil Secretariat, J&K

Subject: Consideration for grant of Ex-gratia relief in favour of Mr. Pintu Kumar (CAPF personnel).

Reference: Court order dated 31.05.2023 issued in WP(C) 1403/2023 titled *Pintu Kumar v/s Union of India and Ors.*

Government Order No.: 519-Home of 2023

Dated: 01.11.2023

Whereas, Mr. Pintu Kumar, Retired Constable of CRPF, submitted a representation to the Home department in year 2022 and requested for ex-gratia on account of his permanent disability; and,

2. Whereas, the representation furnished by the applicant did not contain the requisite details, to consider the grant of ex-gratia, in terms of Government Order No 723-GR(GAD)of 1990 dated 10.07.1990, the same was forwarded to the Commandant 198-Bn CRP, Visalkshi Nagar, Visakhapatnam (A), vide communication dated 21.10.2022 with a request to take necessary action in the matter. Besides, the applicant was also requested by the Home department vide communication dated 03.01.2023, to submit the complete case, in all respect through the concerned Commandant for examination as per the laid down procedure; and,

3. Whereas, the petitioner filed a petition [W.P (C) No.1403 of 2023 titled Pintu Kumar Vs Union of India and other] before the Honorable High Court, inter-alia, with the prayer to sanction, release and pay pension @80% instead of 50%.,with a further request to sanction, release and pay ex-gratia relief, amounting to Rs. 16 Lakhs in favour of petitioner. In addition, petitioner also sought direction against the respondents to allot residential quarter in favour of petitioner with a further direction to regularly give scholarship to the children of the petitioner forthwith and also sanction and pay attendant allowance to the petitioner; and

4. Whereas, the Hon`ble High court, J&K at Jammu vide Order dated 31.05.2023 issued the following direction:-

“Subject to objections and till next date of hearing before the Bench ,the respondents shall consider the representation of the petitioner in accordance with law”.

5. Whereas, the matter was examined in the Home department and accordingly a copy of the writ petition along with a copy of the order dated.31.05.2023 passed by the Hon`ble High Court of J&K at Jammu was shared with the concerned quarters with a request to furnish the complete details, so that his claim with regard to the claim of ex-gratia, in furtherance to the directions of the Hon`ble court is suitably examined; and,

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6. Whereas, the DIG, Group Centre, CRPF Bantalab, vide communication dated 05.09.2023 furnished a report to the Home department, indicating therein that Mr. Pintu Kumar was suffering from "Resistant depression" since 03.05.2014 and declared unfit for service as a combatant in the Armed Forces, therefore, he was medically invalidated from the service, on the recommendation of the Medical Board, which has fixed his mental disability percentage as 80%; and,

7. Whereas, as per the policy of grant of ex-gratia applicable in the UT of J&K, issued vide Govt. Order No 723-GR(GAD) of 1990 dated 10/07/1990, provides inter-alia, that a security personnel is eligible for ex-gratia relief only in respect of those cases where he attains martyrdom or disability while on duty, as a result of violence attributable to the breach of law and order/militancy or any other form of civil commotion. Hence, in this case, Sh. Pintu Kumar is not eligible for ex-gratia in terms of the policy ibid.

8. Now, therefore, in due deference to the orders of Hon'ble High court, J&K, Jammu dated 31.05.2023, passed in WP(C) No. 1403/2023 titled Pintu Kumar v/s Union of India and Ors., the claim of the petitioner regarding ex-gratia having been considered in light of facts of the case read with the Govt. Order No 723-GR(GAD) of 1990 dated 10/07/1990, as amended from time to time has not been found covered under the policy of ex-gratia, therefore, devoid of any merit and hereby rejected.

By order of the Government of Jammu and Kashmir.

Sd/

(Raj Kumar Goyal), IAS
Financial Commissioner/
Additional Chief Secretary

No: HOME-RLF/85/2023-10-HOME/CC.7244571

Dated: 01.11.2023

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.
2. Ld. Sr. Additional Advocate General, High Court Jammu with the request to apprise the Hon'ble High Court.
3. Dy. Inspector General of Police, Group Centre, CRPF Bantalab, Jammu.
4. Director Archives, Archaeology and Museums, J&K.
5. Commandant 198 Battalion, CRPF.
6. Pvt. Secretary to the Financial Commissioner(Additional Chief Secretary) Home Department.
7. Concerned.
8. In-charge website, Home Department.
9. Government Order file/Stock file.

Copy also to the: Joint Secretary (JKL), Ministry of Home Affairs, Government of India, New Delhi.

J Koh 01/11/2023
(Monish Kumar) JKAS
Under Secretary to the Government