

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

Subject: Compassionate appointment of Sh. Imtiyaz Ahmad Mir S/o Sh. Nazir Ahmad, deceased Constable, No. 245/BD R/o Amlar, Tral, District Pulwama.

Government Order No. Home. 70 - of - 2021

Dated:- 24 . 03.2021

Whereas, Mr. Nazir Ahmad Mir, Constable No. 245/BD was working in Police Department and died in harness on 14.06.1989; and

Whereas, the Police Headquarters vide letter No. Pers-A-22/2008/4765-67 dated 04.04.2008, submitted the case of Mr. Imtiyaz Ahmad Mir S/o Mr. Nazir Ahmad Mir, deceased Constable, No. 245/BD R/o Amlar, Tral, District Pulwama for compassionate appointment as Follower in J&K Police under SRO-43 of 1994; and

Whereas, the case was examined in this department and it was found that the death of the deceased had occurred on 14.06.1989 i.e, prior to issuance of SRO-43 of 1994 which came into force from 24.09.1991. The PHQ was accordingly informed vide this Department letter No. Home/PB-III/SRO/130/2008 dated 17.07.2008, that the case is not covered under SRO-43 of 1994; and

Whereas, the applicant approached the Hon'ble High Court Srinagar through the medium of SWP No. 1443/2008 titled Imtiyaz Ahmad Mir V/S State and Others, inter-alia, with the plea that although SRO-43 of 1994 was not in force at the time of the death of his father, but consideration be accorded to the petitioner for his appointment as Constable in terms of SRO-122 of 1983 in relaxation of rules; and

Whereas, the PHQ vide letter No. Pers-A-22/2008/87707-09 dated 07.12.2017, submitted the compassionate appointment case of Sh. Imtiyaz Ahmad under SRO-43 of 1994 read with SRO-376 of 2017 dated 11.09.2017; and.

Whereas, the case was examined in terms of SRO-376 of 2017 dated 11.09.2017 and vide this Department's letter No. Home/PB-III/SRO-43/130/2008 dated 20.12.2018, the PHQ was requested to furnish the following information/clarification:-

- i. ***Reasons for making a proposal to the Home Department under SRO-376 of 2017, considering that the same is not applicable in this case.***
- ii. ***Status/details of proceedings in the case filed by the applicant before the Hon'ble High Court in 2008, alongwith all documents and orders passed, if any, in the matter; and***

Whereas, PHQ vide letter No. Pers-M-438/2008/8628-30 dated 22.03.2019 conveyed that Hon'ble High Court has disposed of the said case vide its Order dated 26.03.2010 which is reproduced below:-

"Let the respondents consider the recommendation regarding relaxation rules strictly in accordance with rules, if not considered finally so far, and pass appropriate orders within three months from the date of this order is served on the respondents".

Whereas, the case was examined in terms of SRO-122 of 1983 read with SRO-194 of 1989. The relevant extract of the provision for relaxation in the above said SRO is reflected herein below:

In most of deserving cases, the competent authority may recommend to the Government:-

- a. ***For relaxation of his/her age bar not beyond 40 years in the case of upper age limit and by not more than four years in the case of lower age limit.***
- b. ***For relaxation of qualification in the case of posts for which minimum qualification prescribed is Matriculation or equivalent subject to the condition that the beneficiary at the time of such appointment is not below the level of Middle standard and that he/she acquires such qualification within a period of not more than two years failing which his/her services shall be terminated; and***

Whereas, the D.o.B of petitioner is 23.11.1989, which implies that he was born after the death of his father and requires relaxation of lower age limit by more than 04 years, which is not covered in terms of Rules.

Now, therefore, in compliance to the Hon'ble High Court order dated 26.03.2010 passed in SWP No. 1443/2008, titled Imtiyaz Ahmad Mir, the claim of the petitioners has been examined/considered in terms of SRO-122 of 1983 read with SRO-194 of 1989 and is found to be time barred and accordingly rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS,

Principal Secretary to Government,
Home Department.

No. Home/PB-III/SRO-43/130/2008
Copy to the:-

Dated:- 24.03.2021

1. Principal Secretary to Hon'ble Lieutenant Governor UT J&K
2. Director General of Police, J&K, Jammu.
3. Commissioner/ Secretary to the Government General Administration Deptt.
4. Director, Archives, Archaeology and Museums.
5. Ld. Sr. Addl. Advocate General Hon'ble High Court J&K Srinagar with the request to apprise the Hon'ble Court, J&K Srinagar.
6. Pvt Secretary to Advisor (B).
7. Pvt Secretary to Advisor (F).
8. Pvt Secretary to Advisor (B.K).
9. Pvt. Secy. to Principal Secretary to the Government, Home Department.
10. In-charge website, Home Department
11. Government order file (w.3.s.c)/ Stock file.

Copy also to the:-

1. Joint Secretary (JKL), Ministry of Home Affairs, GoI, New Delhi



(Parveen Kumar) KAS

Additional Secretary to the Government,
Home Department

