

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

Subject:- Compassionate appointment of Mr. Atiq-ul-Rehman S/o Mr. Mohammad Jawaid, R/o Village Saj, Tehsil Thanamandi, Rajouri under SRO-43 of 1994.

Reference:- Letter No.355-Estt/Rajouri /Jawaid /DSW/2018/4317-18 dated\ 05-02-2018 from Director Sainik Welfare J&K Jammu.

Government Order No. 14 -Home of 2021
Dated: - 18 .01.2022

1. Whereas, Sh. Mohammad Jawaid, serving as Peon-cum-Chowkidar, Zila Sainik Welfare Office, Rajouri died in harness on 03.12.2017; and
2. Whereas, the Director Sainik Welfare vide communication referred above forwarded the case of Shri Atiq-ul-Rehman S/o Shri Mohammad Jawaid, for compassionate appointment in terms of SRO-43 of 1994 and intimated that under the existing Non-Gazetted Service Recruitment Rules of the department issued vide SRO-286 of 20.09.2003, only ex-servicemen are employed in the department and no civilian can be appointed; and
3. Whereas, the case remained under examination in the department and the applicant, meanwhile, filed SWP No. 720/2018, titled Atiq-Ul-Rehman V/S State and Others in the Hon'ble High Court J&K Jammu which was disposed of vide order dt 20-04-2018. The operative part of the judgment is reproduced as under :-

"The petition is disposed of with the direction to respondent No 2 and 3 to determine the eligibility of the petitioner and pass appropriate orders in accordance with the rules on the subject within a period of eight weeks from the date of copy of this order is made available"; and

4. Whereas, the case of the petitioner was taken up with GAD which advised the department vide U.O No.GDC /308/CM/ 2016-SRO dated 22.04.2019 to consider the claim of the petitioner in light of the order dated 20.04.2018 of the Hon'ble High Court; and
5. Whereas, under Rule 5(1) and 2 of J&K Sainik Welfare (Subordinate) Service Recruitment Rules, 2019 notified vide SRO-59 of 2019 dated 18.06.2019 the case of the petitioner was examined. In the Sainik Welfare Department only ex-servicemen are reemployed and there is no scope of direct recruitment as per existing Recruitment Rules. The rule reads as under :-
 - i. *No person shall be eligible for appointment or promotion on any post in the service unless he*

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possesses the requisite qualification as indicated in Schedule-II and is permanent resident of the State besides fulfilling other requirements of the recruitment as provided in the rules for the time being in force.

ii. *No direct recruitment/appointment of any person against any vacancy in the service shall be made unless he is an Ex-servicemen and permanent resident of the State.*

6. Now therefore, in compliance to Hon'ble Court Order dated 20.04.2018 passed in SWP No. 720/2018 titled Atiq-ul-Rehman VS State of J&K and Others, the claim of the petitioner for his compassionate appointment in the Directorate of Sainik Welfare Jammu stand examined in terms of SRO 59 of 2019 dated 18-06-2019 and it has been found that the petitioner is not eligible for any post in the Sainik Welfare Department, therefore, rejected .

By order of the Government of Union territory J&K.

Sd/-
(Shaleen Kabra) IAS
Principal Secretary to Government.

No. Home SRO-43/33/2018 /CC-62004

Dated: -18.01.2022

Copy to the :-

1. Principal Secretary to Hon'ble Lieutenant Governor.
2. Commissioner/Secretary to the Government, General Administration Department.
3. Director, Archives, Archaeology and Museums, J&K.
4. Director, Sainik Welfare J&K Jammu.
5. Ld. Addl. Advocate General Hon'ble High Court J&K Srinagar with the request to apprise the Hon'ble Court.
6. Private Secretary to the Chief Secretary
7. Private Secretary to Principal Secretary to the Government, Home Department
8. In-charge website, Home Department.
9. Mr. Atiq-ul-Rehman S/o Mr. Mohammad Jawaid deceased Peon-Cum Chowkidar R/o Village/ Saj Tehsil Thanamandi, Rajouri.
10. 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 the Government,
Home Department.