

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

Subject: - CCP 80/2020 in OWP No. 1053/2007 titled Shamima Begum
v/s State and others.

Government Order No. Home-20 of 2021

D A T E D: 28 .01.2021

Whereas, Abdul Qayoom, Constable No. 338/AP 6th was posted at Bhandarwah for duties and on 28.02.1994, he left the station on his own and was marked as absent on the same date; and

Whereas, brother of the said constable filed a missing report at Police Station Kishtwar and accordingly, a case FIR No. 33/94/U/s 364 was registered at Police Station, Kishtwar and investigation was initiated; and

Whereas, as reported by the investigating officer, the dead body of the constable was left at his residence by some unknown persons and a burial was accorded to the deceased in his native graveyard by his legal heir and on receipt of information regarding burial, the body was exhumed in presence of Executive Magistrate and the autopsy of the body conducted; and

Whereas, the pension and other retirement benefits were authorized in favour of the widow of the deceased namely Shamima Begum vide PPO No. 12111-F dated 29.03.1995 and special welfare relief at applicable rate was also paid to the widow of the deceased; and

Whereas, the widow of the deceased preferred a writ petition before the Hon'ble High Court at Jammu OWP No.1053/2007 titled Shamima Begum vs State of J&K and others on the plea that her husband was exposed to injury or death by virtue of his job profile and he was killed while serving in a militancy affected zone as such she is entitled to Special Pension in terms of Article 249-M (A) of Jammu & Kashmir Civil Services Regulations Volume-I; and

Whereas, the Hon'ble High Court on 07.11.2017 disposed of the writ petition with the following direction:

“Writ petition is disposed of with a direction to the respondents to consider the claim of the petitioners for release of revised pension including gratuity etc in favour of petitioner No. 01 strictly in accordance with the rules, if not already been released;” and

Whereas, on examination of the case in the department it has been noted that the cause of death of husband of the petitioner was not in course of performance of duties or as a result of action by armed hostiles, anti-social elements, extremists, dacoits, smugglers etc; hence the case does not fall within the purview of Article 249-M (A), JK CSR.

Now, therefore, the claim of the petitioner for revision/ authorization of special pension having been examined in light of the Rules governing the subject and in due deference to the order dated 07.11.2017, is for the aforesaid reasons, found devoid of merit and hence rejected.

By order of the Government of Jammu and Kashmir

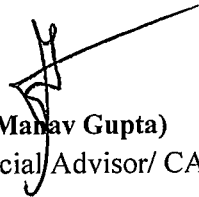
Sd/-
(Shaleen Kabra), IAS
Principal Secretary to the Government

No. Home/Accts/168/2018

Dated: 28.01.2021

Copy to the:-

1. Financial Commissioner, Finance Department, J&K, Jammu.
2. Director General of Police, J&K, Jammu.
3. Principal Accountant General, J&K, Srinagar.
4. Registrar General, J&K High Court, Jammu
5. Private Secretary to the Chief Secretary for information of the Chief Secretary.
6. Private Secretary to Principal Secretary to the Govt. Home Department for information of Principal Secretary (Home).
7. Government orders file (W.2.S.C).
8. Stock File.
9. I/c Website Home Department.


(Mahav Gupta)
Financial Advisor/ CAO