

**Government of Jammu and Kashmir**  
**Home Department**

Civil Secretariat Jammu/Srinagar

Subject: Order dated 06.02.2018 passed by the Hon'ble High Court of J&K at Jammu in SWP No. 1825/2011 titled *Pushpa Devi Vs State the G.A.D. and Ors.*

**Government Order No: 229 - Home of 2022**

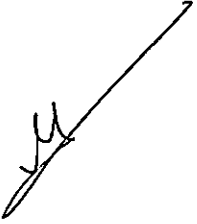
**Dated: 13 .07.2022**

Whereas, the petitioner namely, Smt. Pushpa Devi W/o Late Bal Krishan has filed a writ petition, SWP No. 1825/2011 titled *Pushpa Devi Vs State the G.A.D. and Ors.* in the Hon'ble High Court of J&K at Jammu, praying therein for payment of compensation and appointment of her Son on compassionate grounds, as her husband namely, Naib Subedar Bal Krishan R/o Kangri, Tehsil Sunderbani, who while serving in 12th Assam Regiment, scarified his life on 01.09.1991 in counter insurgency/firing operation against the militants during his posting at Poonch sector in J&K; and

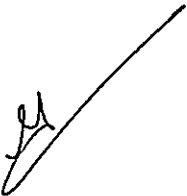
2. Whereas, the Hon'ble High Court its vide its order dated 06.02.2018, disposed of the writ petition ibid with the following observations/directions:

*"When the matter was taken up today, learned counsel for the petitioner submitted that husband of the petition was serving as Naib Subedar in 12th Assam Regiment of the Indian Army and when he was deputed in the Poonch sector to counter insurgency operations, during the course of operation, he sacrificed his life for the nation. Therefore, the petitioner is entitled to ex-gratia relief of Rs. 1.00 lac in terms of Government Order No. 723-GR(GAD) of 1990 dated 10.7.1990, which has not been paid to her despite representations. It is further submitted that son of the petitioner is also entitled to compassionate appointment under proviso 3 Rule of SRO-43. However, no action in the matter has been taken by the respondents. It is further submitted that writ petition be disposed of with a direction to respondent No. 2 namely, the Commissioner/Secy, Department of Home, Govt. of J&K to take a decision with regard to the claim of the petitioner in a time bound manner.*

*The writ petition is disposed of with a direction to the respondents No. 2 (Comm/ Secy, Deptt. Home) to consider the case of the petitioner for grant of ex-gratia relief and for compassionate appointment of her son under SRO-43 of 1994 by a speaking order within a period of two months from the date of receipt of a certified copy of order passed today... "*



3. Whereas, upon examination of the case in light of the order *ibid* and the relevant rules governing the subject, the matter was taken up with the Deputy Commissioner, Rajouri, vide communication dated 31.07.2019, who vide his communication dated 14.09.2019 intimated that the Son of the deceased has been appointed as Class-IV employee in the Agriculture Department, on compassionate grounds, vide order No. SRO-43/Mil/Rel/692-97 dated 10.12.2017; and
4. Whereas, the relevant provisions relating to the grant of ex-gratia relief in favour of NOKs of the deceased armed forces, who get killed as a result of violence attributable to the breach of law and order or any other form of civil commotion or in dealing with infiltration on the borders are contained in Government Order No. 723 GR(GAD) of 1990 dated 10.7.1990 read with Government Order No. 1183-GR of 1990 dated 18.12.1990. In terms of the Government orders *ibid*, the NOKs of the armed forces were entitled to ex-gratia relief of Rs. 10000/- (Ten thousand only); and
5. Whereas, as per the Standard Operating Procedure (SOP) laid down by the Northern Command of the Indian Army, the claim for payment of ex-gratia relief to the NOK's of deceased Army personnel can be considered only after such claims after being verified by the concerned Command of the Northern Command is submitted to the Home Department alongwith the requisite documents; and
6. Whereas, the death of the Army personnel namely, Naib Subedar Bal Krishan R/o Kangri, Tehsil Sunderbani has occurred on 01.09.1991 and on the said date, the NOKs of the deceased Army personnel were entitled to an Ex-gratia relief of Rs. 10,000/- (Ten thousand only), provided that the claim, after due verification was submitted by the concerned Command to the Home Department. However, as per the records, the claim for grant of ex-gratia relief has not been received by this department from the Northern command.



Now, therefore, the case of the applicant for grant of ex-gratia relief amounting to Rs 1.00 lakh (Rupees One Lakh) having been considered, in due deference to the order dated 06.02.2018 passed by the Hon'ble High Court of J&K at Jammu in SWP No. 1825/2011 titled Pushpa Devi Vs State the G.A.D. and Ors, is found devoid of merit and accordingly rejected. The case of the petitioner for payment of ex-gratia relief amounting to Rs 10,000/- will be considered as and when same is submitted by the concerned

commandant of the Northern Command, duly verified along with the requisite documents.

**By order of the Government of Jammu and Kashmir.**

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

No. Home-RLF/43/2022-10./CC.181652

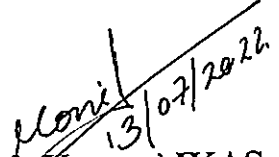
Dated: 13.07.2022

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Principal Accountant General, J&K.
3. Commandant, 12th Assam Regiment, Northern Command.
4. Director, Archives, Archaeology and Museums, J&K.
5. Pvt. Secretary to Financial Commissioner/ Additional Chief Secretary (Home Department).
6. Pvt. Secretary to the Principal Secretary to the Govt. General Administration Department.
7. I/C Website, Home Department.
8. Govt. Order file (w.2.s.c)
9. Stock file.

Copy also to the:-

Joint Secretary (JKL) Ministry of Home Affairs, Government of India,  
New Delhi.

  
(Monish Kumar)JKAS  
Under Secretary to the Government