

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

Subject:- Implementation of order/judgment dated 15.11.2019 passed by the Hon'ble High Court of J&K (Jammu) in the SWP No. 358/2014 titled Shamsheer Khan V/S State of J&K and Others

Government Order No. 81 -Home of 2021

Dated: 31.03.2021

Whereas, Sh. Munir Khan, father of the petitioner (Shamsheer Khan) was killed in the militant related activity due to the bomb explosion on 04.06.2007 and an FIR got registered at Police Station Surankote, Poonch ; and

Whereas, the appointment under SRO-43 in respect of member of a family of a Government employee or a civilian, who has died as a result of militancy related action shall be made by the Deputy Commissioner concerned in accordance with the procedure mentioned in Section 5 of SRO-43. The District level Coordination cum Screening Committee (DLCSC) considered the case of the petitioner on 16-07-2013 under the chairmanship of DC Poonch and rejected the claim of the petitioner for compassionate appointment; and

Whereas, the petitioner Shamsheer Khan filed SWP No.358/2014 in Hon'ble High Court at Jammu with the following prayer:-

"For issuance of writ of mandamus directing the respondents to appoint the petitioner on compassionate grounds under the provision of SRO-43 of 1994, in view of his qualification and to grant relaxation of age in favour of the petitioner for the period of two years and further Writ of Certiorari so as to set aside and quash the order impugned issued by the respondent No. 03 vide his number DCP/REL/223 dated 16.07.2013 in the interest of justice".

Whereas, the Hon'ble High Court, J&K at Jammu in its order dated 15.11.2019 disposed of the above writ petition. The operative part of the said orders is reproduced as under:-

"The writ petition is disposed of at this stage itself by directing the respondents to reconsider the claim of the petitioner for compassionate appointment in terms of SRO 120

of 2018 dated 05.03.2018 within a period of four weeks from the date copy of this order is made available to the respondents."

Whereas, for consideration under SRO-120 dated 5th March 2018, among other things, the deceased should be a Government employee but this condition is not met in the case of the petitioner.

Now, therefore, in due deference to Hon'ble Court Order dated 15.11.2019 passed in SWP No. 358 of 2014, the case of the petitioner Shri Shamsher Khan, S/o Shri Munir Khan R/o Village Tehsil Surankote, District Poonch having been examined/considered in light of SRO-120 of 2018 is found devoid of any merit, is hereby rejected.

By order of the Government of J&K.


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


No. Home/SRO-43/10/2020

Dated: 31.03.2021

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Commissioner/ Secretary to the Government, General Administration Department.
3. Director, Archives, Archaeology and Museums, J&K.
4. Deputy Commissioner, Poonch.
5. Ld. Addl. Advocate General Hon'ble High Court J&K Jammu 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. Government order file (w.3.s.c)/ Stock file.


(Parveen Kumar) KAS
Additional Secretary to the Government,
Home Department


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