

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

**LPA No. 27/2023
CM Nos. 1385/2023, 6070/2023 &
6245/2023**

Reserved on: 04.11.2025

Pronounced on: 13.11.2025

Uploaded on: 13.11.2025

Whether the operative part or full judgment
is pronounced: **Full judgment.**

**Shakuntala Singh, Age-47 years,
W/o Late Sh. Ram Prakash Singh,
C/o Brij Rai R/o Ward No. 18, H.
No. 160 Kapoorpur, Mishra
Bazaar, Ghazipur, Pin-233001,
Uttar Pradesh.**

.....Appellant(s)/Petitioner(s)

Through: Mrs. Deepika Mahajan, Sr. Advocate with
Mr. Atharv Mahajan, Advocate

vs

- 1. Union of India through Secretary
Government, Ministry of Home
Affairs, New Delhi.**
- 2. Inspector General of Police, CRPF,
Hyderabad, 500005.**
- 3. Deputy Inspector General of Police,
CRPF, Hyderabad-500005.**
- 4. Principal Recruit Training, Centre-
IV, Srinagar(Kashmir) C/o 56 APO.**

..... Respondent(s)

Through: Mr. Vishal Sharma, Sr. Advocate (DSGI)
with Mr. Eishaan Dadhichi, CGSC

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

JUDGMENT

(Rajnesh Oswal-J)

1. Appellant's husband, namely, Ram Parkash Singh, who was serving in
the CRPF, was dismissed from service on the ground of unauthorised

absence from duty vide Order No. P-VIII-2/2002-Estt.-3 dated 18.03.2004 w.e.f. 18.03.2004 issued by respondent No. 3 and the period of his unauthorised absence from duty from 09.06.2001 to 18.03.2004 was ordered to be treated as 'Dies Non'.

2. Aggrieved of his dismissal, the appellant's husband filed SWP No. S-650/2005, thereby challenging the order of his dismissal dated 18.03.2004 and order dated 27.08.2004 regarding rejection of his appeal against the order of his dismissal. Appellant's husband also sought the relief of restoration of services and unpaid salary and other arrears of salary. The learned Writ Court allowed the writ petition vide judgment dated 19.05.2011 and the respondents were directed to pass fresh orders after complying with the rules within a period of four months from the date of service of copy of order. The respondents assailed the judgment of the learned Writ Court in LPA(SW) No. 169/2011, and the Coordinate Bench of this Court vide its judgment dated 22.11.2011, dismissed the appeal preferred by the respondents and directed the respondents to release the entire amount as depicted in Annexure-F (Pension Calculation Chart) in favour of the appellant within a period of two months.
3. Since the order was not complied with, the appellant filed a contempt petition. During the pendency of the contempt proceedings, respondent No. 3 issued an order dated 22.03.2012, whereafter the contempt petition was disposed of vide order dated 14.05.2012.
4. Being aggrieved of order dated 22.03.2012, the appellant filed a writ petition bearing SWP No. 1397/2013 for quashing the order dated

22.03.2012 and for commanding the respondents to pay the entire salary of the deceased husband till his superannuation and consider one of the family members of the deceased Inspector Ram Parkash Singh for appointment on compassionate grounds.

5. The respondents opposed the writ petition by asserting that the back wages from 09.06.2001 to 22.10.2007 (date of death of husband of appellant) were not admissible on the principle of 'No Work No Pay' and also no such direction was issued in that regard by the Court earlier. Regarding the claim for compassionate appointment of family member of the deceased Inspector Ram Parkash Singh, it was stated that same was not admissible as no direction in that regard was issued by the Court and rather all the benefits which the appellant was held entitled to in terms of judgment dated 22.11.2011, stood already released in her favour.
6. The learned Writ Court vide its judgment dated 18.03.2015, disposed of the writ petition bearing SWP No. 1397/2013 by holding that the dependents of the deceased Ram Parkash Singh are entitled to all the monetary benefits including pension/family pension at the rate provided under the applicable service rules taking it as a case of deceased having died in harness and not retired on superannuation and further the benefit of compassionate appointment in accordance with rules shall be available to the dependants and the respondents were directed to provide all such benefits to the appellant/dependents of the deceased in accordance with applicable service rules. However, relief in respect of grant of back wages was refused.

7. Being aggrieved of the judgment dated 18.03.2015 passed in SWP No. 1397/2013, the appellant has come up with this intra-court appeal, thereby assailing the judgment (supra) to the extent of refusal of back wages for the period 09.06.2001 to 22.10.2007 on the grounds that the husband of the appellant was relieved forcibly and there were repeated representations from him that he should be allowed to complete the minimum tenure of transfer by two years, as study of his children would suffer badly, but the respondents did not allow him to serve and illegally dismissed his services without proper enquiry, rightly set aside by the High Court. It is also stated that despite directions of the learned Writ Court for providing compassionate appointment to one of the family members of the deceased, the respondents have not done the needful.
8. Pursuant to order of this Court dated 25.09.2023, the respondents have filed an affidavit stating therein that all monetary benefits in terms of the judgment of the Writ Court stand released in favour of the appellant and in terms of another affidavit dated 23.07.2024, it is stated that daughter of the appellant vide communication dated 05.07.2016 was informed to apply for the post of ASI (Steno)/HC(M) due to non-availability of applied post i.e. SI/Crypto. Besides, a special representative was also sent to the appellant for obtaining willingness and required documents of the daughter of the appellant for the post of Group-C on 03.11.2018 instead of Group-B post i.e. SI/Crypto due to non-availability of the post under compassionate category. The unit remained in touch with the family of the appellant

and conveyed about the recruitments from time to time. Miss Reshmi Singh, daughter of the appellant, also appeared in Head Constable/Min recruitment during the year 2021 but failed. Thereafter, the commandant, 32ndBn vide communication dated 15.06.2022 asked the appellant's daughter to fill the form for next recruitment with a request to send her willingness for ASI/Steno and Constable/GD(Female). Precisely, it is the contention of the respondents that whatever was due to the appellant in terms of the judgment passed by the learned Writ Court stands already paid and as far as relief of compassionate appointment is concerned, the daughter of the appellant could not succeed and she has been requested to apply afresh for the next recruitment on compassionate grounds.

9. Heard learned counsel for the parties and perused the record.
10. The first issue raised by the learned Senior counsel for the appellant is in respect of entitlement of the appellant to back wages w.e.f. 09.06.2001 to 22.10.2007 on the ground that the Division Bench in the earlier judgment has held the appellant and other dependents of the deceased employee entitled to the monetary benefits. In Para '33' of the judgment dated 22.11.2011 passed by the Coordinate Bench, the Bench took note of the demise of the husband of the appellant and after taking note of impossibility to conduct fresh enquiry due to demise of appellant's husband, observed that only relief which would now flow is the monetary benefits to the dependents of the deceased. The respondents were accordingly directed to release the entire

amount as depicted in Annexure-F (Pension Calculation Chart) in favour of the appellant.

11. Admittedly, there is no direction by the Division Bench in its judgment dated 22.11.2011 in respect of payment of back wages. This is an admitted fact that the husband of the appellant did not perform any duty w.e.f. 09.06.2001 to 18.03.2004, and it was not because of the respondents that the husband of the appellant could not perform his duties w.e.f. 2001 till the date of his dismissal as the representation dated 04.06.2001 submitted by the deceased husband of the appellant for cancellation of his transfer from RTC, Srinagar was rejected by the respondents. As already mentioned above, the only relief which the appellant and other dependents of the deceased were held entitled to, was the monetary benefits in terms of Annexure-F (Pension Calculation Chart) and this was accepted by the appellant. The respondents in terms of order dated 22.03.2012, treated the period from 09.06.2001 to 22.10.2007 i.e. from the date of unauthorised absence till the demise of the husband of the appellant, as period spent on duty but without wages on the principle of 'No Work-No Pay', however, the said period was considered for the purpose of granting pensionary benefits.

12. We do not find any error in the course adopted by the learned Writ Court by rejecting the claim of the appellant for back wages for the period, the husband of the appellant did not perform any work for the respondents as he remained out of service. The order dated 22.03.2012 is in sync with the tone and tenor of the judgment of the Division

Bench dated 22.11.2011. Having already accepted the pensionary benefits in term of Pension Calculation Chart, the appellant now cannot turn around and claim the salary for the period, her husband did not work. Accordingly, this contention of the appellant stands rejected.

13. Concerning the claim of the appellant in respect of compassionate appointment of a family member of the appellant, the respondents have taken a categoric stand that the daughter of the appellant failed in the test conducted for recruitment candidates in the year 2021 and she was again informed to show her willingness to participate in another compassionate recruitment test. The daughter of the appellant, if eligible, can still be considered in terms of the policy of the respondents.

14. In view of the foregoing discussion, we dispose of this appeal by reiterating the direction issued by the learned Writ Court in respect of providing compassionate appointment to the family member of the deceased employee but of course, if the said member is found to be eligible in accordance with applicable service rules.

15. **Disposed of.**

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
13.11.2025
Neha-II

Whether the order is speaking:	Yes
Whether the order is reportable:	No