

Serial No.32

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No.2701/2025

Cav No.1940/2025

1. U.T. of J&K through
Commissioner/Secretary to Govt.
Power Development Department,
Civil Sectt., J&K at Jammu-180001.
2. Commissioner/Secretary to Govt.,
General Administration Department,
Civil Sectt., J&K at Jammu-180001
3. Chief Engineer,
EM&RE, PDD, Canal Road,
Jammu-180001
4. Executive Engineer, (JPDCL)
Electric Division Vijaypur, Samba-184120

...Petitioners(s)

Through:- Mr. Raman Sharma, AAG

Versus

Baby Slathia, Age 35 years
W/o Late Sh. Avtar Singh,
R/o Mandi Andrah Rakh Barothian,
Tehsil Vijaypur District Samba.

...Respondent(s)

Through:-

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER (Oral)
27.09.2025

Sanjeev Kumar "J"

1. By this writ petition filed under Article 226 of the
Constitution of India, Union Territory of Jammu and Kashmir along

with its functionaries seeks to throw challenge to an order and judgment dated 28th February, 2025 passed by the Central Administrative Tribunal, Jammu Bench at Jammu [“the Tribunal”] in TA No.61/7556/2020 titled Baby Slalthia v. The State of J&K and others, whereby the Tribunal has allowed the TA filed by the respondent and directed the petitioners herein to issue appointment order in favour of the respondent under SRO 43 of 1994 on account of death of her husband, who died while in active service keeping in view the qualification of the applicant.

2. The impugned judgment of the Tribunal is assailed by the petitioners on the ground that the Tribunal has failed to appreciate that the respondent was not entitled to compassionate appointment in on account death of her husband, who was not holding any substantive civil post under the Government of J&K.

3. Briefly put, the facts giving rise to the filing of instant petition are that husband of the respondent, namely Avtar Singh was engaged as Daily Wager in the Power Development Department in the year 2001/2002 and died in harness on 25th March, 2018. The respondent was declared as legal heir of the deceased Avtar Singh to inherit the service benefits under SRO 43 vide judgment and decree dated 30.10.2018. The respondent approached the petitioners seeking compassionate appointment in place of her deceased husband under the provisions of SRO 43 of 1994. Feeling aggrieved by the inaction,

respondent approach this Court by way of a Writ Petition, which later on, was transferred to the Tribunal. The Tribunal after having considered the rival contentions, allowed the TA with a direction to the petitioners to issue appointment order in favour of the respondent under SRO 43 of 1994 on account of death of her husband who died while in active service keeping in view the qualification of the respondent. It is this order of the Tribunal, which is called in question by the petitioners.

4. The controversy raised in this petition is squarely covered by our judgment dated 26th September, 2025 rendered in WP(C) No.2670/2025 titled *UT of J&K and others v. Tofeeq Raiyaz* wherein under a similar set of circumstances, the plea which the petitioners have raised in this petition, has been considered and rejected. In the case of Tofeeq Raiyaz, this Court has held that the *engagement of the deceased father of the respondent for almost two decades continuously confers upon him a mental permanency and, therefore, as is held by the Tribunal, the deceased had acquired the right of regularization* and that once it is held that the deceased father of the respondent at the time of his death had acquired the right of regularization, the benefit of SRO-43 of 1994 cannot be denied to the respondent on the ground that his deceased father was not holding the substantive civil post on the date of his death.

5. In the instant case also, indisputably, husband of the respondent, who was engaged as casual labourer in the year 2001/2002 in Power Development Department, died in harness after serving more than 16 years of service on 25th March, 2018.

4. In view of the above, we find no fault with the view taken by the Tribunal. Accordingly, this petition is dismissed being devoid of any merit.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
27.09.2025
Vinod,PS

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