

S. No. 27
Regular list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1004/2025
CM(2636/2025)

Bashir Ahmad Shah Age 39 Years ...Petitioner(s)/Appellant(s)
S/O Late Abdul Samad Shah
R/O Shamasabad, District Budgam
Pincode: 191111

Through: Mr. Shah Aashiq Hussain, Advocate and
Mr. Asif Ahmad, Advocate.

Vs.

1. Union Territory of J & K through Principal Secretary to Government, Animal and Sheep Husbandry Department, Civil Secretariat, Srinagar ...Respondent(s)
2. Deputy Commissioner Budgam.
3. Additional Commissioner Revenue Budgam
4. Sub Divisional Magistrate Khansahib Budgam
5. District Sheep Husbandry Officer, Budgam
6. Tehsildar Khansahib District Budgam.

Through: Ms. Nadia Abdullah, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

05.05.2025

1. The petitioner, through the medium of the instant petition is seeking a direction against the respondent-Tehsildar, to issue the Dependent Certificate in his favour, in accordance with the provisions of law, without any further delay.
2. Learned counsel appearing for the petitioner has drawn the attention of the Court to the fact that he has already submitted a requisite application before the concerned Sub Divisional Magistrate Khansahib for issuance of Dependent Certificate, which has already been acknowledged by the said office on 09.07.2024 and the acknowledgement receipt has also been placed on record, however, till date the needful has not been done. Learned counsel for the petitioner submits that prior to the same, he has

also filed a representation in this regard, which too, is pending before the concerned authority.

3. The learned counsel on behalf of the petitioner further submits that he applied for the Dependent Certificate via online mode before the concerned Tehsildar with a view to obtaining benefit under SRO 43 of 1994 for compassionate appointment of his uncle being the legal heir as well as a dependent of the deceased uncle. Since no action has been taken by the Tehsildar concerned on the said application for seeking Dependent Certificate, the petitioner has preferred the instant petition.
4. The learned counsel for the parties have also placed on record the consideration order dated 06.03.2025 issued by the Directorate of Sheep Husbandry Kashmir vide No. 248-SHD of 2025, a perusal whereof, reveals that the case of the petitioner was accorded due consideration in light of the direction passed by the Central Administrative Tribunal in OA No. 380/2024 in case titled “Bashir Ahmad Shah versus UT of J&K and Others” and the same was rejected by the respondent for the reason that the Department was unable to proceed further in absence of the requisite documents which document has already been applied for by the petitioner through proper channel before the competent authority and has not been granted as on date.
5. The concerned Director while rejecting the case of the petitioner has also observed while parting with the aforesaid order that as soon as the applicant furnishes the necessary documentation, his case will be duly considered under the provisions of SRO 43 of 1994.
6. Since it is a specific case of the petitioner that with a view to process the case of the petitioner in terms of SRO 43 of 1994, Dependent Certificate

is also required and the instant petition has been preferred to the extent of the issuance of the said certificate for which no action has been taken by the competent authority in spite of the fact that the petitioner has applied through proper channel. Being aggrieved by this inaction, the petitioner has preferred the instant petition.

7. The petitioner submits that the delay in the issuance of the Dependent Certificate is causing undue hardship and prejudice to him, particularly when he meets the eligibility criteria under SRO 43 of 1994. The delay in processing his application for the Dependent Certificate is not only hindering the compassionate appointment process but is also affecting his fundamental right to employment and social justice, which is enshrined under Articles 14 and 21 of the Constitution of India.
8. The learned counsel for the petitioner also prays that this Court may issue a direction to the respondents to ensure that the Dependent Certificate is issued expeditiously, within a specific time frame, as mandated by the provisions of the relevant laws and regulations.
9. The learned counsel appearing for the petitioner after arguing for a while submits that the petitioner would feel satisfied if the present writ petition is disposed of at this stage with a direction to the respondents 1 to 6 to treat the instant writ petition as representation and to accord consideration to the same within some reasonable time in the light of the averments pleaded in the writ petition and the documents placed on record.
10. On the asking of the Court, Ms. Nadia Abdullah, learned Assisting Counsel vice Mr. Mohsin Qadri, learned Senior AAG, has caused appearance and waives notice on behalf of the respondents and submits

that She is not averse to the disposal of the instant petition at this stage or else to the prayer made by the counsel for the petitioner.

11. With the consent of the learned appearing counsel for the parties, the instant writ petition is taken up for final disposal at this stage and is disposed of with a direction to the respondents 1 to 6 to accord consideration to the representation within a period of four weeks from the date a copy of this order along with writ petition and annexures is made available to the respondents 1 to 6, strictly in conformity with the rules and as per law.

12. The consideration order which is likely to be passed shall be forwarded to the petitioner through registered post.

13. The writ petition is ***disposed*** of in the manner as indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
05.05.2025
Hilal Ahmad