

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2325/2025

UNION TERRITORY OF J AND K AND ORS. ...Petitioner(s)/Appellants

Through: Mr. Waseem Gul, GA
Mr. M. Younis, AC

Vs.

HASEENA BANO ...Respondent(s)

Through: Ms. Saniya Qadir, Advocate

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

ORDER
08.12.2025

- 01.** Impugned in this petition filed by UT of J&K & five others is an order and judgment dated 03.10.2024, passed by Central Administrative Tribunal Srinagar [“ the Tribunal”] in TA No. 46/2023 [WP (C) No. 307/2020] titled “**Haseena Bano Vs. State of J&K & ors.**” whereby the Tribunal has allowed the petition filed by the respondent and directed the petitioner herein to appoint the respondent herein on compassionate grounds under SRO No. 43 of 1994.
- 02.** Briefly stated the facts leading to the filing of this petition as can be gathered from the impugned judgment are that one Subhan Sheikh who was serving Regular Road Coolie in the Department of Public Works died in harness on 26.10.1987 and in lieu thereof Mst. Rahmi Begum, the wife of the deceased was engaged as a Daily

Wager in April 1988 in R & B Division Sopore. She continued to work as a Daily Wager till 2015, when she also died leaving behind her daughter- respondent as her dependent.

- 03.** On her death, respondent herein approached petitioners for compassionate appointment in terms of SRO 43 of 1994.
- 04.** Since the request of the respondent for her appointment on compassionate grounds was not conceded by the petitioners herein, she filed SWP No. 933/2017 before this Court. A Bench of this Court vide order dated 22.05.2017, disposed of the said writ petition with a direction to the petitioners herein to consider the claim of the respondent for compassionate appointment in terms of SRO 43/1994 in the light of averments made in the writ petition and the annexures appended thereto.
- 05.** In compliance with the order dated 22.05.2017, the case of the respondent was considered by the petitioners herein for appointment and rejected vide communication No. 11819-20 dated 18.10.2017 issued by Superintendent Engineer PWD (R&B) Circle Baramulla/Kupwara.
- 06.** The order of rejection dated 18.10.2017 issued by the SE concerned was called in question by the respondent in WP(C) No. 307/2020, which, on transfer to the Tribunal, was registered there as TA No. 46/2023.

- 07.** The consideration order passed by the petitioners herein rejecting the claim of the respondent for compassionate appointment was assailed by the respondent before the Tribunal.
- 08.** The petitioners herein filed objections before the Tribunal and claimed that they had rejected the claim of respondent on the ground that on the date of her death, the mother of the respondent namely Mst. Rahmi Begum, was not holding a substantive civil post under the Government of J&K, so as to enable her daughter to take the benefit of compassionate appointment envisaged under SRO 43 of 1994.
- 09.** The Tribunal examined the matter in the light of the rival contentions and the material on record and came to the conclusion that the deceased mother of the respondent having worked as a Daily Wager for long 27 years had acquired a right of regularization under SRO 64 of 1994.
- 10.** It was noted by the Tribunal that the deceased Rahmi Begum who was engaged in April 1988 completed seven years continuous service in April 1995, and, therefore, was entitled to be regularized w.e.f 1st April 1996.
- 11.** The Tribunal also took note of the fact that it was because of the neglect or laxity on the part of the petitioners herein, the deceased mother of respondent

was not given the benefit of SRO 64/1994 and was thus deprived of her right of regularization, which had accrued to her in the year 1996 itself.

12. Taking that the deceased mother of the respondent was deemed to have been regularized, and was, thus in regular service on the date of her death, the TA was allowed and a direction was issued to the petitioners herein to offer the respondent appointment under SRO 43 of 1994.

13. The impugned judgment is sought to be challenged by the petitioners herein primarily on the ground that the Tribunal has not appreciated that on the date of her death, the deceased mother of the respondent namely Rahmi Begum was not holding a permanent post under the Government of J&K, and, therefore, SRO 43/1994 had no application.

14. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that judgment passed by the Tribunal is perfectly legal and falls within the four corners of law. The judgment, therefore, does not call for any interference by us in these proceedings. Indisputably, the mother of the respondent was engaged as a daily rated worker in April 1988, and, therefore, completed continuous service of seven years, as such, in April 1995. In terms of SRO 64/1994, she was entitled to be regularized w.e.f 1st of

April 1996. However, it is not discernable as to why her case for regularization under SRO 64 of 1994 was not considered for more than a decade. She died in the year 2015, while serving as a Daily Wager in the Department of Public Works, although she was entitled to be regularized since April 1996. It is in this context the Tribunal has correctly held that the deceased mother of the respondent should be deemed to be a regular employee of the Government J&K.

15. This is so because she was not regularized on time because of the negligence or neglect on the part of the petitioners herein to perform their statutory duties imposed upon them under SRO 64 of 1994.

16. It is true that poor lady could not agitate her right for regularization when it was required to be agitated. She continued as a Daily Rated Worker till she died in harness in the year 2015. However, that should not denude her of her right to be treated as a regular employee, at least, for the purpose of SRO 43 of 1994.

17. Viewed from any angle, we find no case made out by the petitioners herein for interference with the well reasoned judgment of the Tribunal.

18. The petition is therefore found devoid of any merit and same is accordingly ***dismissed***.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
08.12.2025
“S.Nuzhat”

Nuzhat Shafi
I attest to the accuracy and
authenticity of this document
10.12.2025 11:30

