

INTHE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 3110/2019

FIRDOUSA AKTHAR

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

Through: Mr. Faizan Farooq, Advocate vice Mr. S. F. Qadiri, Sr. Advocate

Vs.

STATE OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Jahingeer A Dar, GA

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER

07.03.2025

1. Petitioner is seeking quashing of order No.PDC/CJ/82 of 2019 dated 07.03.2019, passed by respondent no.3 and passing of a direction to respondents to consider her case for appointment against available vacancy in respondent Department under SRO 43 of 1994.
2. Petitioner's case is that her husband, namely, *Mehraj-ud-din Lone*, died in harness while discharging his duties in respondent Department as Sweeper. Upon death of her husband, she sought appointment on compassionate grounds in terms of SRO 43 of 1994. Her case was considered. She produced all the documents before respondents and was hopeful that her case would be considered for appointment against any vacancy on the basis of the object of the Compassionate Appointment Rules. Respondents vide order No. PDC/CJ/82 of 2019 dated 07.03.2019, have rejected petitioner's case to appoint her on compassionate grounds, which is being challenged by her in the instant writ petition on the grounds mentioned therein.
3. Reply has been filed to this writ petition. Grounds, which are being taken by respondents in their Reply, are that petitioner's husband was working in the Generation Division, Lower Jhelum Hydel Project

(LJHP), Gantamulla, Baramulla, as Sweeper on consolidated pay of Rs.2000/- per month and he died on 08.08.2016 as a case of natural death. The respondents have considered the case of the petitioner and since her husband was engaged as Sweeper on consolidated pay, she has been substituted. The stand of respondents is that petitioner's husband was not a permanent employee on their establishment, therefore, Rule SRO 43 of 1994 would not be applicable to the present case.

4. Petitioner has already made a representation to the respondents. A Bench of this Court vide order dated 25.10.2019, has already directed respondents to reconsider that representation.
5. Learned counsel for the respondents was asked as to whether in compliance of order dated 25.10.2019, petitioner's representation has been reconsidered or not. He has submitted that respondents would consider the representation, if any, made by petitioner so that her case under SRO 43 of 1994 would be reconsidered.
6. Learned counsel for the petitioner submits that petitioner would be satisfied if this writ petition is disposed of by providing that the petitioner shall make a representation for reconsidering her case for appointment under SRO 43 of 1994 and on receipt thereof, respondents shall consider it within fixed timeframe.
7. In view of the submissions made by counsel for the petitioner and the statement made by Mr. Jahingeer A Dar, GA, that if representation is made, respondents will give fresh consideration and orders would be passed strictly in accordance with the provisions of law, it is provided that in the event petitioner makes a representation, respondents shall consider the same within a period of four weeks from the date copy of this order along with representation is served upon them.
8. **Disposed of** as above along with the connected CM(s).

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
07.03.2025
"Imtiyaz"