

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

WP(C) 487/2022
CM(1216/2022)

UMER QADIR SOFI

...Petitioner(s)/appellant(s)

Through: Mr. Asif Ahmad, Advocate.

Vs.

UNION TERRITORY OF J AND K AND ORS

...Respondent(s)

Through: Mr. Illayas Nazir Laway, GA.

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
28-07-2026

1. The petitioner, through the medium of the present petition, has sought a direction upon the respondents to consider his representation for his appointment on compassionate basis in the light of SRO 43 of 1994.
2. It is the case of the petitioner that his father, namely Shri Ghulam Qadir Sofi, was initially engaged as Tractor Driver on a consolidated salary of Rs. 1,500 per month with the respondent corporation, and later his services were regularized vide Order No. MC/Ptn/213-15 dated 05.09.2008 in the pay scale of 2550-3200 with the effect from July, 2008.
3. It has been submitted that while being in service, the father of the petitioner expired on 3rd June, 2018, leaving behind his widow, two unemployed sons and one married daughter as his legal heirs. It has also submitted that petitioner has made a representation with the respondents for seeking his appointment on compassionate basis, but no decision has been taken by the respondents in this regard.
4. The respondents, in their reply, have taken a stand that services of deceased father of the petitioner had been regularized by the then Executive

Officer, Municipal Committee, Patan, and that, when the pension case of the deceased was examined, it surfaced that the matter falls under inquiry in view of FIR No. 19 of 2011 lodged by Crime Branch Srinagar to investigate the alleged illegal appointments/engagements/promotions made in Municipal Councils/Committees from 01.01.2000 onwards.

5. It has been submitted that the inquiry committees have submitted their findings to the government and, as such, the claim of the petitioner cannot be entertained at this stage. It has also been submitted that father of the petitioner was not regularized by a competent authority, as the Executive Officer is not the competent authority.

6. Without rendering any opinion as to whether the stand of the respondents with regard to legality of regularization of services of deceased father is legally tenable, one thing is clear that the respondents are under an obligation to take a decision in the matter regarding petitioner's claim for his compassionate appointment, one way or the other, so that the petitioner chooses his future course of action. The respondents cannot keep the matter pending indefinitely, as the same would defeat the purpose for which compassionate appointments are intended.

7. In view of the above, the writ petition is disposed of with a direction to the respondents to take a final decision with regard to the petitioner's claim for compassionate appointment in place of his deceased father, most expeditiously, preferably within a period of two months from the date a copy of this order is made available to the respondents.

(SANJAY DHAR)
JUDGE

SRINAGAR
28-07-2026
Junaid

