

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

WP(C) 1164/2024 CM(3191/2024)

ZAHIDA BEGUM ...Petitioner(s)/appellant(s)

Through: Mr. M.A. Wani, Advocate.

Vs.

UNION TERRITORY OF J AND K AND ORS. ...Respondent(s)

Through: Mr. Hakim Aman Ali, Dy. Ag., vice
Ms. Rekha Wangnoo, GA.
Ms. Rahilla Khan, Assisting Counsel.

CORAM:

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

10-02-2026

1. In the instant case, the petitioner has sought the following reliefs:
“A. Issue a Writ/Order/Direction in the nature of certiorari, thereby quashing the Impugned consideration order bearing Order No: 883 dated 22-12-2022 issued by Respondent No.3;
B. issue a Writ/Order/Direction in the nature of Mandamus, thereby directing the respondents to appoint the petitioner with all service & consequential benefits as per the mandate of the Judgment passed earlier in SWP No. I 805/2009 dated 18-07-2012 by this Hon'ble court in favour of the petitioner;
C. issue a Writ/Order/Direction in the nature of Mandamus, thereby directing the respondent Accountant General to release GP fund, leave salary and other service benefits with 180% compound interest of deceased father of the petitioner in her favour;”
2. Facts on the strength of which the aforesaid reliefs have been prayed and as are stated in the petition by the petitioner are that the father of the petitioner namely Ghulam Rasool Malla alia Lassa Malla was working as a Daily Wager in the respondents Department and came to be regularized in terms of SRO 64 of 1994 and while working as such, the said father of the

petitioner expired on 02.07.2009 whereafter the petitioner along-with her mother approached to the respondents for release of service benefits as also for appointment on compassionate grounds and upon failure of the respondents, the petitioner filed SWP No. 1805/2009 before this Court and sought the said service benefits of her deceased father as also for directing the respondent to offer her appointment on compassionate grounds which writ petition came to be disposed of on 18.07.2012 directing the respondents to consider the claim of the petitioners for grant of service benefits of the deceased as also consider one of the petitioners for appointment on compassionate grounds and that upon further failure of the respondents to comply with the said directions, the petitioners filed contempt petition No. 181/2013 before this Court in response whereof, the respondents passed a consideration order on 17.07.2013 rejecting the claim of the petitioners for release of service benefits as also the appointment on compassionate grounds, and dissatisfied with the said stand of the respondents, the court in the said contempt petition framed rule against the respondents, whereafter the respondents-contemnors released the salary and other benefits in favor of the petitioners, however, did not offer compassionate appointment to the petitioner and that during the pendency of the said contempt petition, the mother of the petitioner as well died and the petitioner continued to pursue her claim for compassionate appointment, which the respondents ultimately rejected in terms of Order No. 883 dated 22.12.2022 impugned in the instant petition, solely on the ground that the petitioner failed to submit requisite documents for processing her case for appointment on compassionate grounds.

3. The petitioner has questioned the said order while maintaining the instant petition on the premise that the petitioner while seeking the compassionate appointment have had completed all necessary requisite formalities yet the respondents rejected her claim.

4. Reply to the petition has been filed by the respondents wherein a similar stand as has been taken in the impugned order is reiterated.

Heard counsel for the parties and perused the record.

5. In view of the respective pleadings of the parties as well as the record available on file, coupled with the submissions made by the

appearing counsel for the parties, it is deemed appropriate to dispose of the instant petition at this stage with the consent of the appearing counsel for the parties and is accordingly disposed of by providing that the petitioner shall furnish all necessary requisite documents as have been sought by the respondents for processing her case for appointment on compassionate grounds, within a period of six weeks from the date a copy of this order is produced by the petitioner before respondents, whereupon receipt of the said requisite documents from the petitioner, the respondent shall accord effective consideration to the case of the petitioner for appointment on compassionate grounds in terms of the applicable rules and shall also consider the grant of relaxation, if any, required in the process thereof provided same is allowed under the rules. The aforesaid exercise be undertaken and concluded by the respondents as expeditiously as possible, preferably within a period of eight weeks.

6. Disposed of.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR
10-02-2026
Junaid