GOVERNMENT ORDER NO: 107 - HOME OF 2017
DATE D: 15.02.2017

WHEREAS, the petitioner in the afore-cited writ petition approached the Hon’ble High Court of J&K at Jammu and sought direction upon the respondent department for considering her case for compassionate appointment under SRO 43 of 1994; and

WHEREAS, the Hon’ble High Court vide its order dated 27.09.2016 disposed of the said writ petition, operative part whereof is reproduced herein below;

"...This petition is accordingly disposed of with a direction to the respondents to consider the case of the petitioner for compassionate appointment strictly in accordance with rules. Let consideration be accorded within a period of three months from today. In case the petitioner is finally appointed on compassionate basis, learned counsel for the petitioner agrees that an amount of Rs. 3,00,000/- (Rupees three lac) received by the petitioner in lieu of appointment would be refunded back..."; and

WHEREAS, the case of petitioner was examined in the Home Department in consultation with the General Administration Department and it has emerged that the petitioner’s husband, SPO Kuldeep Kumar No.
1188/SPO had died in a mine blast on 23.09.2003, leaving behind his wife (petitioner), son and daughter; and

WHEREAS, the Director General of Police, J&K vide his communication No. Pers-A-16-SPO/2012/44543-45 dated 13.09.2012 addressed to the Home Department, informed that the petitioner had applied for cash compensation in lieu of appointment under SRO 43 of 1994 in the Office of Deputy Commissioner, Doda and, accordingly, an amount of Rs. 3.00 lacs was sanctioned and paid to the NOKs of the deceased by the concerned Deputy Commissioner; and

WHEREAS, it was further informed in the communication dated 13.09.2012 that the petitioner had approached the Office of Sr. Superintendent of Police, Doda with the request to consider her case for compassionate appointment under SRO 43 of 1994 read with SRO 302 of 2009 and expressed her willingness to remit the cash compensation received by her, in case the request of the petitioner is acceded to; and

WHEREAS, the matter remained under correspondence with the GAD and Police Headquarters and in the meanwhile, the General Administration Department vide its O.M. No. GDC-409/CM/2011-SRO dated 09.02.2015 conveyed the opinion of the Department of Law, Justice and Parliamentary Affairs on the issue relating to the accrual of benefits of compassionate appointment to the NOKs of deceased SPOs, which reads as under: -

"The Department is advised that the cases pending on or after 1st October, 2009 shall be governed by SRO 302 of 2009. However, the cases decided prior to 1st October, 2009 cannot be reopened as the SRO 302 of 2009 has prospective application."; and

WHEREAS, the cash compensation of Rs. 3.00 lacs in favour of the petitioner has been sanctioned by the Deputy Commissioner, Doda vide his Order No. 2-Relief of 2009 dated 20.03.2009 i.e., prior to 1st October, 2009. The case of the petitioner, therefore, stands closed much prior to 1st October,
2009, when SRO 302 of 2009 came into effect, as such, is not covered under SRO 302 of 2009, in light of the advice of Department of Law, Justice and Parliamentary Affairs.

Now, therefore, the claim of the petitioner has been considered in compliance/deference to the order dated 27.09.2016 passed by the Hon’ble High Court in SWP No. 26512015 titled Surishta Devi Vs. State & ors, taking into account the entire facts and circumstances of the case, together with the fact that the deceased has breathed his last on 23.09.2003 and case of the petitioner stands closed on 23.03.2009 when the cash compensation was sanctioned in her favour in lieu of compassionate appointment, the claim of the petitioner is found devoid of any merit. Accordingly, the claim of petitioner for her compassionate appointment under SRO 43 of 1994 read with SRO 302 of 2009 dated 01.10.2009 is rejected.


Sd/-
(R. K. Goyal)
Principal Secretary to Government
Home Department

No: - Home/SRO-43/190/2012 Dated: - 15 .02.2017
Copy to the: -

1. Principal Secretary to Hon’ble Chief Minister, J&K, Jammu.
2. Director General of Police, J&K, Jammu.
3. Commissioner Secretary to Government, General Administration Department, Civil Secretariat, Jammu.
4. Private Secretary to Principal Secretary to Government, Home Department, J&K, Jammu.
5. Smt. Surishta Devi Wd/o Late Kuldeep Kumar (SPO) R/O Indloo, Tehsil Thathri, District Doda.
6. I/C Website, Home Department.

(Mushtaq Ahmad) KAS
Deputy Secretary to Government
Home Department