Government of Jammu and Kashmir  
Home Department


Government Order No.661-Home of 2015  
Dated. 29.12.2015

Whereas, Mr. Parvaiz Ahmad Dar S/o Late DySP Ab. Hamid Dar has approached the Hon'ble High Court through the medium of SWP No.482/2014 titled Parvaiz Ahmad Dar V/s State of J&K and others, seeking appointment as Inspector in J&K Police under SRO-43, on the analogy of similarly situated cases; and

Whereas, the Hon'ble High Court of J&K vide its order dated 28.09.2015 has disposed of SWP No.482/2014 titled Mr. Parvaiz Ahmad Dar V/s State of J&K and others with the following directions:

“this petition is disposed of with a direction to the respondents to reconsider the case of the petitioner strictly in accordance with the rules 3, 4 and 7 of the J&K (Compassionate Appointment) Rules, 1994 for his appointment on an appropriate post in the Executive Police commensurate with this qualifications and on the analogy of the persons appointed by the Government by the orders mentioned hereinabove. The needful shall be done within a period of two months from the date of this judgement.”

Whereas, the claim of the petitioner for his appointment as Inspector in the Police Department under SRO-43 has been considered and it has been found that:

him in his application submitted to Hon'ble Chief Minister.


iii. PHQ vide communication No.Pers-A-158/2009/43966 dated 10.09.2012 requested to consider the applicant for appointment in any Civil Department under SRO-43, after having refused for his appointment as Constable with further request for his appointment in any civil department.

iv. The case after examination in the Home Department was referred to the General Administration Department for consideration of his appointment against any civil post, under SRO-43.

v. The General Administration Department vide Government Order No.490-GAD of 2013 dated 22.03.2013 appointed Mr. Parvaiz Ahmad Dar S/o Late DySP Ab. Hamid Dar of Auxiliary Police 1st Bn. R/o Khee Jogipora, Kulgam, as Village Level Worker in the Rural Development Department in District Budgam in Pay Scale of Rs.5200-20200 with Grade Pay of Rs.1900/- under SRO-43.

vi. In view of the order dated 28.09.2015 of the Hon'ble High Court of J&K passed in SWP No.482/2014 titled Parvaiz Ahmad Dar Vs State of J&K and others, the case of the petitioner was again referred to the General Administration Department for further consideration/advice and keeping in view that change in his appointment from Rural Development Department to the Police Department involved change of cadre which is strictly prohibited.

vii. The General Administration Department vide U.O.No.GDC-5711CM/2012-SRO dated 10.12.2015 has advised as under:-

“Returned. The Department is advised to consider the judgement of the Hon'ble Court and reject the claim of the petitioner on the grounds that the SRO-43 is decided on case to case basis, nobody can claim appointment on
the analogy of others. The benefit of SRO-43 has been provided to the family as per the rules. The objective of the SRO-43 is to provide immediate relief to the family of the deceased which the Government has already provided.”

Whereas, the case has been further examined and it has been observed that consideration of the petitioner for appointment to some other post after he has been appointed as VLW in the Rural Development Department more than two and a half years ago would defeat the object of compassionate appointments and that he cannot claim a post of his choice under SRO-43.

Now, therefore, the claim of Mr. Parvaiz Ahmad Dar S/o Late DySP Ab. Hamid Dar S/o Late DySP Ab. Hamid Dar of Auxiliary Police 1st Bn. R/o Khee Jogipora, Kulgam having been considered in due deference to the order dated 28.09.2015 passed in SWP No.482/2014 titled Parvaiz Ahmad Dar Vs State of J&K and others, has been found to be devoid of any merit and is accordingly rejected for the reasons mentioned hereinabove.


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

No. Home/SRO-43/159/2015/6~tB

Copy to: -
1. Principal Secretary to Hon'ble Chief Minister.
2. Director General of Police, J&K.
3. Commissioner/Secretary to Government, General Administration Department.
4. OSD to Hon'ble Deputy Chief Minister.
5. Private Secretary to Principal Secretary to Government, Home Department.
7. I/C Website, Home Department.

(Mushtaq Ahmad)
Deputy Secretary to Government
Home Department