



Government of Jammu & Kashmir  
Public Works (R&B) Department  
Civil Secretariat, Srinagar.

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Subject: SWP No. 322/2017 titled Rattan Paul Singh V/s State and others.

Government Order No: 279-PW(R&B) of 2020  
D A T E D : 13.10.2020

Whereas; Sh Gulbachan Singh father of Sh. Rattan Paul Singh (Petitioner) was working as Air Compressor Operator in the PWD, Mechanical Division, Jammu and died in harness on 05.11.1999.

Whereas; the mother of the petitioner Smt. Tarlochan Kour applied for her appointment on compassionate grounds under SRO 43: and

Whereas; the Executive Engineer, Mechanical Circle Jammu vide letter no. MDR/Estt/ dated 06.05.2000 submitted the case to Superintendent Engineer, Mechanical Circle, Jammu, but the case of the applicant was returned by the Circle Office to the Mechanical Division, Rajouri for want of certain clarification/ certificate; and

Whereas, after five years, Mechanical Division, Rajouri forwarded the SRO-43 case afresh in favour of Sh. Rattan Paul S/o Lt. Sh. Gurbachan Singh vide Letter No. MDR/192-93 dated 08.07.2006 duly endorsed by Superintending Engineer, Mechanical Circle, Jammu; and

Whereas, it was intimated by the Executive Engineer (Mech) Circle/Jammu that the case of the mother of the petitioner could not be processed further as she had crossed the maximum age limit for appointment and at that time her son namely Sh. Rattan Paul was minor and now is 18 years old

and thus eligible for appointment in Govt. Service under SRO-43; and

Whereas, the case for compassionate appointment in favour of the petitioner was forwarded to Administrative Department by the Chief Engineer Mechanical Engineering Department, Jammu vide letter No. CEM/J/2991-94 dated 16.11.2006 with the request that the delay period of seven years may be condoned ;and

Whereas, the case of the petitioner was examined in the department and a proposal was referred to the General Administration Department for considering appointment of the petitioner under SRO 43 of 1994.

Whereas, the General Administration Department did not agree to the departmental proposal for considering appointment of the incumbent with the observation that the case is not covered under rules/relaxation policy; and

Whereas, aggrieved of the rejection of the case, the applicant namely Sh. Rattan Paul filed a writ petition bearing SWP No. 322/17, MP No. 1/2017 titled Rattan Paul Singh V/s State & Ors in the Hon'ble High Court Jammu; and

Whereas, the Hon'ble High Court in its judgment dated 16.02.2017 disposed of the petition with the following directions:-

*"At request this petition is disposed of with a direction to the respondents to consider the case of petitioner for appointment against the class-IV post under rules and having regard the communication dated 16.11.2006 made by Chief Engineer, Mechanical Engineering Department, Jammu. Let consideration order be passed within a period of two months from the date a certified copy of this order along with complete set of writ petition is made available to the respondents".*

Whereas, the case of the petitioner was again examined pursuant to the Hon'ble Court orders and in terms of the rules governing the field and it was found that the petitioner can not be appointed on compassionate basis as the General Administration Department, which is the competent authority to grant relaxation in such cases, has not agreed to the proposal of the department for not being covered by the rules/relaxation policy. Therefore, the claim has been found devoid of merit.

**By order of the Government of Jammu and Kashmir.**

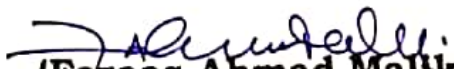
Sd/-  
**(Shallendra Kumar) IAS**  
Principal Secretary to Government,  
Public Works(R&B) Department

No. PW(R&B)/Legal/47/2017

Dated: 13-10-2020

Copy to the:-

01. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
02. Commissioner/Secretary to Government, General Administration Department
03. Chief Engineer Mechanical Engineering Department, Jammu.
04. Director, Archives & Archeology Department, Jammu.
05. Deputy Commissioner, Rajouri.
06. OSD to Hon'ble Advisor (B) for information.
07. Shri Ravinder Gupta, AAG J&K High Court Jammu.
08. Executive Engineer, Mechanical Division Rajouri.
09. Private Secretary to Principal Secretary to Government, PW(R&B) Department.
10. Concerned.
11. Government Order File/Stock file.

  
**(Farooq Ahmad Malik),**  
Under Secretary to Government,  
Public Works(R&B) Department

