



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

Subject: SWP No. 823/2013 titled Gh. Mohd. Lone V/s State of J&K and Ors.

Government Order No: 67 -PW(R&B) of 2021

Dated: 10 .02.2021

Whereas, one Shri Mohd Shaban Lone was working as Road Supervisor in R&B Division, Kulgam and died in harness on 03.11.1999; and

Whereas, his son namely Ghulam Mohammad Lone applied for appointment on compassionate grounds on 02.02.2000 ; and

Whereas, the case was examined in the department and it was found that the school leaving certificate of the beneficiary was full of cuttings/mutilations though while issuing School Leaving Certificate, it was mentioned that it is free from cuttings and mutilations, written at the top of the certificate under registration No. 3938-QH-IX-83. Besides Ghulam Mohammad Lone was shown born on 15.03.1969 and it was not possible to believe that the petitioner was just 12 years of age in the matriculation; and

Whereas, the Chief Engineer (R&B) Kashmir vide his letter No. ES/21563-64 dated 08.01.2008 referred the Superintending Engineer R&B Circle Anantnag-Pulwama to his letter No. ES/1678 dated 11.05.2005 whereunder the school discharge certificate of Gh. Mohd Loan issued by the Head Master Govt. High School Qaimoh Kulgam in the year 02/1984 was returned for verification and its authenticity/genuineness as observed that, the Principal Govt. Higher Secondary School Qimoh Kulgam instead of authenticity/genuineness of the said certificate, had submitted a duplicate certificate vide registration No. 3938-QH-IX-83 disclosing that Ghulam Mohammad Lone was studying in 10<sup>th</sup> Class on 15.12.1983 while as the old mutated certificate dully authenticated by CEO Anantnag discloses that the incumbent was studying in 10<sup>th</sup> class as on 15.12.1981 ; and

Whereas, the observations were raised that the contents of the certificates differ with each other and it appears that the case has been fabricated and it does not merits any consideration ; and

Whereas, the Executive Engineer R&B Spl. Sub-Division Kulgam vide his letter No10832 dated 9.02.2008 informed the Principal Government

(1)

Hr Secondary School Qaimoh that the school leaving certificate, received back under his letter No. HSS/Q/1876 was forwarded to the Direction Office of the department, and the same was found in variance with the contents of one issued and produced earlier by the applicant and returned again with certain observations. As such, in order to have an anticipatory clarification or doubt so arisen, the said certificate was returned for a thorough and meticulous check with reference to the records. Accordingly, if the same is found to be genuine, then the said School Leaving Certificate may be got authenticated/attested by the Chief Education officer concerned and forward to the office under a properly clarification letter, within a period of 30 days failing which it will be presumed that the said certificate is fake and the matter will be dealt with accordingly under law.; and

Whereas, Shri Ghulam Mohammad Lone after a gap of 13 years filed a writ petition bearing SWP No. 823/2013, seeking his appointment. The writ petition was decided by the Hon'ble Court vide judgment dated 18.02.2015 and the operative part of the order speaks as under:-

***"... to consider and offer appointment to the petitioner on compassionate grounds in accordance with the mandate contained in Rules notified vide SRO-43 of 1994. The respondents to pass necessary orders within six weeks from the date the copy of this order is served."***

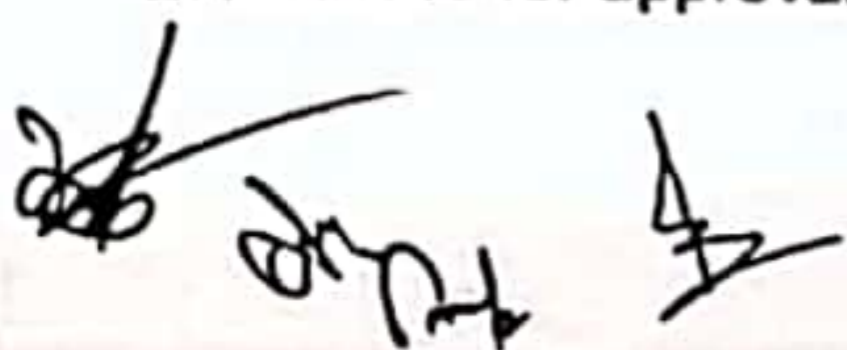
Whereas, pursuant to above Court Order, the case of the petitioner was examined in the Administrative Department and referred to General Administration Department for seeking grant of relaxation condoning the upper age bar of the petitioner namely Ghulam Mohammad Lone for effecting his compassionate appointment under SRO-43 ; and

Whereas, the General Administration Department returned the case vide U.O No. GAD(Legal)F-541/2016/1176 dated 19.07.2018 with the advise that:-

***"The department is advised to submit a formal proposal for grant of relaxation in age/qualification in favour of the applicant/petitioner in terms of Rule (7) of SRO-43 of 1994 as coordination case in terms of Rule 31 (1) of Jammu and Kashmir Government (Business), Rules in compliance to the order passed by the Hon'ble Court dated 18.02.2015."***

Whereas, the case was again referred to the General Administration Department vide U.O No.PW(R&B) Legal/93/2013 dated 27.08.2019 for approval; and

(2)



Whereas, the General Administration Department returned the case vide U.O.No. GAD(L)F-541/2016 dated 24.09.2019 with the advise that:-

*"The department is advised to examine the case of the applicant in terms of SRO-120 dated 05.03.2018 and furnish the requisite documents as mentioned in the said SRO for further examination/consideration."*

Whereas, the advise of the General Administration was conveyed to the Chief Engineer, PW(R&B) Kashmir vide letter No. PW(R&B)/Legal/93/2013 dated 03.10.2019 to re-examine the case as advised by the General Administration Department ; and

Whereas, the Chief Engineer vide his letter No.CE/RBK/LAW/26621-23 dated 28.01.2021 has intimated that the Additional Deputy Commissioner, Kulgam vide letter No. DCK/Relief/2020-21/291 dated 12.01.2021 has informed that the SRO 120 is not applicable in the case of petitioner as the petitioner does not qualify the eligibility criteria for the same.

Now, therefore, in light of the report of the Additional Deputy Commissioner Kulgam, the case is found devoid of merit.

**By Order of the Government of Jammu and Kashmir**

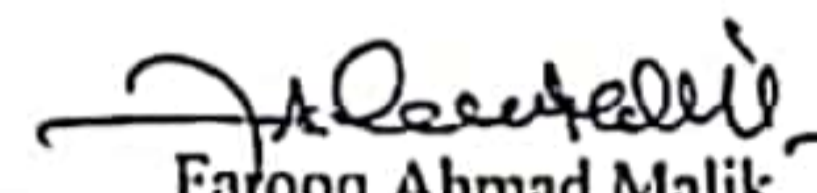
**Sd/-**  
**(Shailendra Kumar) IAS**  
Principal Secretary to Government  
Public Works (R&B) Department

No.PW/R&B/Legal/93/2013

Dated: 10 02.2021

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
2. Commissioner/Secretary to Government, General Administration Department.
3. Chief Engineer PW(R&B) Department, Kashmir.
4. Deputy Commissioner, Kulgam.
5. OSD to Hon'ble Advisor (B) for information.
6. Private Secretary to Principal Secretary to Government, PW(R&B) Department.
7. Concerned
8. Government Order File/Stock file.

  
Farooq Ahmad Malik  
Under Secretary to Government  
