

Government of Jammu and Kashmir, Housing & Urban Development Department, Civil Secretariat Jammu/Kashmir

Subject: SWP No. 2775/2015, MP No 01/2015 titled Istahar Farooq V/S and others

Government Order No // -HUD of -2016

DATED: 15 -01 -2016

Whereas, the Director Urban local Bodies, Jammu vide his letter dated 31.12.2014 forward the proposal of Mr. Istahar Farooq s/o late Mohd Farooq for compassionate appointment under SRO-43 of 194; and

Whereas, Mr. Mohammad Farooq Lone was working as Driver in the Municipal Committee Rajouri and died in harness on 06.04.2008; and

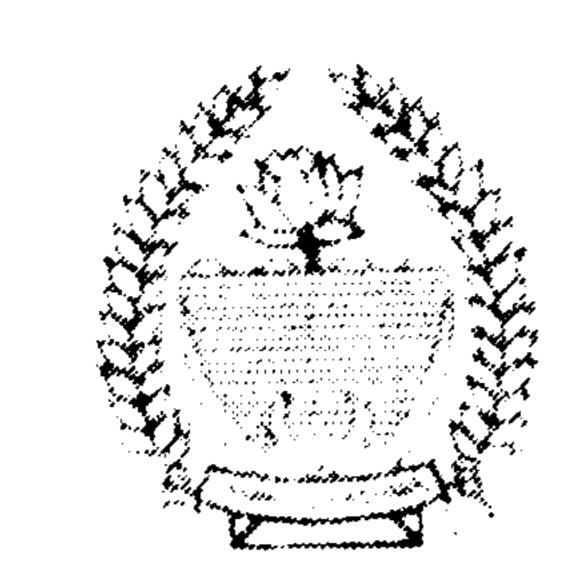
Whereas, Mr Istahar Farooq son of the deceased applied for appointment in Urban Local bodies, Jammu within the prescribed period of one year.; and

Whereas, Mr. Istahar Farooq, son of the deceased was a minor at the time of the death of his father as per the Date of Birth certificate; and

Whereas, as per date of birth certificate furnished by Istahar Farooq the age of the incumbent at the time of death of his father Mr. Farooq Ahmad was 11 years 04 months and 20 days; and

Whereas, as per SRO-43 the applicant has to acquire eligibility for the post within five years and in the instant case the applicant has acquired eligibility after six years and 07 months 10 days at the time of his father; and

Whereas, the issue was referred to the General Administration Department for advise as to whether the lower age bar by 06 years 07 months and 10 days can be accorded for appointment of Mr. Istahar Farooq son of Mohammad Farooq Lone in terms of rule 7 of SRO-43 of 1994 against the post of Class-IV in Urban Local Bodies, Jammu vide this office U.O No WHUD/LSG/ULBJ/16/2015 dated 09.04.2015 and General Administration Department vide their U.O dated 22.04.2015 advised as under:-



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The Department is informed that as a matter of policy/principal, the GAD does not (not) entertain the cases of the NOK's of the deceased employees of the autonomous bodies, corporation, local bodies, Boards etc. In the instant case, the deceased was working as Driver in the Municipal Corporation, thus, SRO-43 is not applicable for such employees, as a matter of policy decision.

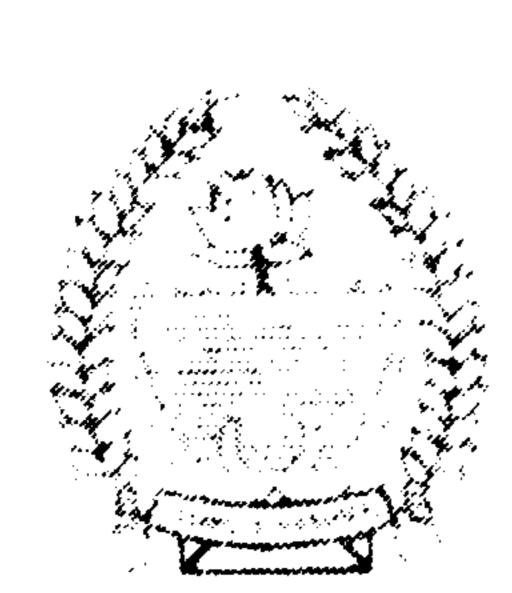
Whereas, Mr Istahar Farooq against approached the Department for consideration of his case for compassionate appointment under the said SRO and the matter after due deliberations was referred to the Hon'ble Deputy Chief Minister (Minister I/C H&UDD) to consider the case for relaxation of age bar for compassionate appointment under SRO-43 of 1994 but the proposal was rejected by the Authorities.

Whereas, vide letter dated 13.08.2015, the department conveyed regrets to the instant proposal to the applicant as the same is not covered within the provisions of SRO-43 and

Whereas, Mr Istahar Farooq son of Mohmmad Farooq Lone, aggrieved with this approached Hon'ble High Court through the medium of the SWP No.2775/2015 and MP No.1/2015 titled Istahar Farooq V/s State and others and the Hon'ble High Court issued an interim direction dated: 13.10.2015, the operative part of which is reproduced hereunder:-

Meanwhile, as an interim, subject to objections, respondent No.1 shall reconsider the petitioners case in light of the aforesaid decision of this Court and inform this Court along with their reply.





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Now, therefore, in compliance to the Hon'ble High Court Jammu's Order dated: 13.10.2015, passed SWP No.2775/2015 and MP No.01/2015 titled Istahar Farooq V/S state and others and in accordance with policy envisaged under SRO-43 of 1994 the case relating to the compassionate appointment of Mr. Istahar Farooq has been re-considered and found devoid of merits and hence rejected on the basis of facts given here in above.

By order of the Government of Jammu and Kashmir

Sal-(Bípul Pathak) IAS

Commissioner/Secretary to Government Housing & Urban Dev. Department.

Dated: 15-01-2016

No:- HUD/Lit/447/2015/DULBJ

Copy for information to the:

1 Director, Urban Local Bodies, Jammu with the direction to file objections in the Hon'ble High Court, Jammu .

2 Private Secretary to Commissioner/Secretary H&UDD.

3 I/C Website H&UDD.

4 Government Order file (w.2.s.c.)

(Nissar Ahmed)

Under Secretary to Government Housing & Urban Dev. Department