



GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/SRINAGAR
(Legal Section)

Subject:-

T.A No. 62/5109/2020 in SWP No. ___/2017 titled Rizwana Ramzan V/s UT of J&K and others

Government Order No: 278 - Edu of 2022

D a t e d: 18 -04-2022

Whereas, Nabla Begum, was working as Teacher in the department of School Education and died in harness on 26-06-1980, and father of the deceased Teacher submitted an application before the then Tehsil Education Officer, Bandipora on 22-09-1980, stating therein that the daughter of the deceased Teacher is minor and her post may be kept reserved, so that the daughter of the deceased Teacher is appointed on attaining the age of majority;

Whereas, at the time of the death of the deceased teacher, the date of birth of her daughter Ms. Rizwana Ramzan was 13.12.1978;

Whereas, the daughter of the deceased teacher, Ms. Rizwana Ramzan applied for compassionate appointment under SRO-43 on 24-03-1997, before the ZEO Bandipora on attaining the age of majority i.e; 18 years;

Whereas, Ms. Rizwana Ramzan approached the Hon'ble High Court through SWP No. ___/2017 titled as Rizwana Ramzan Vs State of J&K and others wherein the petitioner has sought the following relief:-

- I. Commanding the respondents to consider the petitioner for appointment in terms of compassionate rules occupying the field at the relevant point of time i.e. when the cause accrued to the petitioner.
- II. Commanding the respondents to explain the reasons why the respondents have not till date appointed the petitioner on compassionate basis when her mother died in harness during active service.

Whereas, the above said writ petition has been transferred to the Central Administration Tribunal, Jammu Bench, Jammu bearing T.A No. 62/5109/2020 titled Rizwana Ramzan Vs UT of J&K and others.

Contd.....2

Whereas, the T.A No. 62/5109/2020, came to be disposed of on 16.08.2021 and the Hon'ble Central Administration Tribunal, Jammu Bench, Jammu was pleased to pass the following order:-

"Looking to the limited prayer made by the learned counsel for the applicant, we dispose of the T.A with direction to the respondents to consider this T.A as representation of the applicant and take a decision on the same within a period of two months by passing a reasoned and speaking order and communicate the order to the applicant. While considering the case of the applicant, the respondents would see that the claim of the applicant is not barred by period of limitation or dead and stalemate claim".

Whereas, the case of the applicant was examined and the matter was referred to the General Administration Department vide U.O. No. Edu-LGL0Kmr/99/2021-01 dated 02.02.2022, who in turn vide U.O. No. GAD-SRO/90/2022-09-GAD dated 25.03.2022 has advised as under:-

"Returned:- The department is informed that seeking employment after 42 years defeats the purpose of SRC-43 of 1994 as it is aimed at providing relief to the family of the deceased Government employee who dies in harness and is in dire need of help. The Hon'ble Supreme court has also observed that Compassionate appointment is not a matter of right, but is to enable the family to tide over an immediate crisis which may result from the death of the employee. The instant case does not merit any consideration".

Now, therefore, the claim of the applicant/petitioner has been considered in compliance with the direction passed by the Hon'ble Central Administrative Tribunal, Jammu on 16.08.2021 and found devoid of merit and is hereby rejected.

By Order of the Government of Jammu and Kashmir.

Sd/-
(B.K. Singh)
Principal Secretary to Government
School Education Department
Dated 18-04-2022

No. Edu-LGL0Kmr/99/2021-01

Copy to the:-

1. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
2. Director School Education, Kashmir for information and necessary action.
3. Pvt. Secy. to Principal Secy. to Government, School Education Department.
4. Concerned petitioner/applicant.
5. I/C Website
6. Govt. Order file (w.3.s.c).

(Javid Ahmed)
Additional Secretary to Government
School Education Department