



GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF FISHERIES, J&K

Tourist Reception Centre, Srinagar/Nowabad Canal Road, Jammu
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Subject: -Directions passed by CAT, Bench Srinagar in OA No.1815 of 2021 titled Rukeena Akhhter VS UT of Jammu and Kashmir and others, on 27.05.2021 & Contempt petition No.144/2022 dated.06.02.2023-consideration thereof.

Order No: 410 Fisheries of 2023.

Dated: 13 - 09 -2023.

Whereas, Sh. Tanveer Ahmad Sofi S/O Ghulam Mohammad Sofi R/O New Colony Kakapora Pulwama was working in the Department of Fisheries as I/C Fisheries Guard who died in harness on 25.10.2020 after being attacked by unidentified gunmen on 15.10.2020. The Death Certificate under Registration No. 119/15-B/PSK-2020 issued by Police Station Kakapora Pulwama substantiates the fact of death)

Whereas, the said deceased employee Sh. Tanveer Ahmad Sofi is survived by Father, Mother, Widow, three children (daughter and two sons, all infants), two sisters (One minor) and a brother.

Whereas, Smt. Rukeena Akhter widow of the said deceased employee approached the office of Assistant Director Fisheries, Srinagar (where the deceased employee was posted at the time of his death) with the application for compassionate appointment under SRO-43 on 09.11.2020, as such the application is within time.

Whereas, the Date of Birth of applicant as per the School Leaving Certificate issued by Headmaster Government Secondary School Noorpora is 01.02.1988 and her age as on 01.02.2023 is 35 years and her academic qualification as per the said certificate is 9th pass (Under matric). The applicant in-terms of age is eligible for the appointment under SRO 43 against the post of Multi Tasking Staff (MTS) and in terms of qualification require relaxation.

Whereas, the dependency Certificate issued by Assistant Commissioner (Revenue) Pulwama vide No. DCP/Misc/Pul/21/54 dated

17.04.2021 shows 05 dependents of the deceased employee (widow, two children and two sisters). It is apt to mention that one child (Son) who has born after the death of his father is not been shown in the dependency Certificate as dependent.

Whereas, two dependents among others (legal heirs/ Dependents) i.e. the widow of deceased employee Smt. Rukeena and Sister Mst. Ulfat Jan are claiming compassionate appointment under SRO 43.

Whereas, the widow Mst. Rukeena Akhter filed Original application (OA No.1815 of 2021) before Central Administrative Tribunal (CAT) Bench Srinagar for directions to the official respondents to consider the applicant for compassionate appointment under SRO 43 against one of the class III or class IV post.

Whereas, the said O.A has been disposed of by CAT, Bench Srinagar vide order dated 27.05.2021 with the direction to the official respondents *“ to consider the averments made in OA as representation of the applicant and dispose of the same by passing a reasoned and speaking order within a span of 04 weeks from the date of issuance of the said order.”*

Whereas, the applicant failed to produce all the relevant documents before this Directorate within time which prevented this office in forwarding and recommending the case of applicant to the administrative Department for compassionate appointment under SRO 43.

Whereas, a civil suit titled **Zubaida Begum and others V/S Rukeena Akhter and others** has been filed by Mother and sisters of the deceased employee against Smt. Rukeena and Department of Fisheries before the court of Sub-Judge, Special Mobile Magistrate, Pulwama, wherein they are seeking declaration of Dependency Certificate issued by Assistant Commissioner Revenue, Pulwama vide No. DCP/Misc/Pul/21/54 dated 17.04.2021 as null and void and are also seeking permanent injunction against the official defendants from proceeding ahead in the matter of SRO 43 case of Rukeena Akhter. The matter is sub-judice and no interim orders have been passed in the suit till date.

Whereas, “The Jammu and Kashmir (Compassionate Appointment) Rules, 1994 as amended from time to time”, have been

revealed vide S.O 429 dated 06.09.2022 and has been substituted by "The Jammu and Kashmir Rehabilitation Assistance Scheme, 2022". The case of the applicant falls within SRO 43 as the death of the employee has occurred before the commencement of the said Rehabilitation Scheme.

Whereas, the dependency of applicant overweighs the dependency of sister of the deceased employee as the applicant being widow and having three minor children to sustain and to manage their livelihood, quality education and standard of living.

Whereas, the other legal heir i.e. sister of deceased employee Mst. Ulfat Jan is dependent on the earnings of her father who is a pensioner and is expected to get married sooner or later and in that eventuality she will be having her own family to sustain, therefore she is not expected to maintain the orphan children of the deceased employee.

Now, in compliance to the Hon'ble Central Administrative Tribunal (CAT) Bench Srinagar order dated.27.05.2023, the Original application of Rukeena Akher is considered as representation and in light of the reasons stated hereinabove, the case of the applicant is recommended to the higher authorities for consideration of Smt. Rukeena Akhter for compassionate appointment under SRO 43 against the post of Multi Tasking Staff (MTS) in relaxation of academic qualification.


 13-9-23
 (Mohammed Farooq Dar) JKAS
 Director Fisheries,
 Government of J&K.

No: DOF-LGL/13/2022-05

Dated. 13 - 09 - 2023

Copy to the:-

1. Principal Secretary to Government Agriculture Production Department Civil Secretariat Srinagar/Jammu for information please.
2. Joint Director Fisheries (North/South), Kashmir Division for information.
3. Assistant Director Fisheries, Srinagar for information.
4. Smt. Rukeena Akhter for information.
5. Adm. Section/Order file.