



# Government of Jammu & Kashmir

## Directorate of School Education Kashmir

Samanderbagh – S.P. College Road Srinagar -190001  
Email: dsekjk@gmail.comdsek-jk@gov.in

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**Subject: Consideration order passed in compliance of Hon'ble Central Administrative Tribunal Order dated 21.02.2024 passed in O.A. No. 1014/2021 titled Imran Ahmad Mir Vs UT of J&K and Ors.**

**Order No: 211 DSEK of 2024**

**Dated: 14 - 08-2024**

**Whereas,** Mtr. Shameema Akther who was working as Class IV in the respondent Department in the office of Zonal Education Officer, Shopian died in harness on 12/04/2014, and;

**Whereas,** Office of the Deputy Commissioner Shopian vide No. DCS/SRO43/17/103, dated: 21.08.2017 issued Dependence Certificate in favour of her widower Zameer Ahmad Sofi and adopted son namely Imran Ahmad Mir, and;

**Whereas,** as per the available records, the applicant Shri Imran Ahmad Mir Adopted Son had applied for compassionate appointment in terms of SRO-43 on 26.09.2018 after more than four years of the death of Mtr. Shameema Akther and same was forwarded by the O/o Chief Education Officer, Shopian vide letter No: CEO/SPN/Estt/018/7054, dated: 08.12.2018 to this Directorate for further appropriate action into the matter under rules, and;

**Whereas,** the case of the applicant was placed before the Designated Screening Committee for examination and decision on its merits and the Committee while examining the case found that the applicant had submitted the agreement (original) executed before Munsiff Sub-Registrar Shopian with regard to his adoption executed on 02.05.2015 i.e. after the death of the Mtr. Shameema Akther, and;

**Whereas,** the Designated Committee discussed, deliberated and examined the case minutely as per the rules governing the field and subsequently the following observations were raised:

***"How can adoption be made after the death. Such cases need to be rejected. Convey regrets and also call explanation from CEO."***

**Whereas,** the applicant aggrieved of same has approached the Hon'ble Tribunal and prayed the following reliefs:

- i. **The respondents may be directed to offer compassionate appointment to the applicant on account of death of her adopted mother namely Shamima Akhtar W/o Zameer Ahmad Sofi who died in harness on 12/04/2014.**

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- ii. **The respondents may also be directed to give retrospective effect and give all consequential service benefits to the applicant.**

Whereas, the Hon'ble Tribunal disposed of the O.A and passed an Order dated 21/02/2024, the operative para of which is reproduced as under,

**"In view of the limited prayer made by the learned counsel for the applicant, the respondents are directed to consider the claim of the applicant for appointment on compassionate ground in accordance with law since the application is pending for final consideration for the last 06 years.**

**This exercise is to be completed within 02 months from today in accordance with law by passing a reasoned and speaking order."**

**Whereas,** on examination of the present case it came to forth that vide SRO 177 dated 20/06/2014, various amendments were carried out in J&K Compassionate Appointment Rules, 1994, which, *inter alia*, include the substitution of clause (d) in the explanation to rule 2 of the J&K Compassionate Appointment Rules, 1994, whereby the definition of "family member" was amended and the expressions "in the respect of communities in whose case adoptions are permissible under law" were inserted after the words "adopted son/daughter". As per SRO 177 dated 20.06.2014, an adopted child, in respect of communities in whose case adoptions are not permissible under law, is not entitled to claim compassionate appointment in such cases where the death of government employee takes place after the commencement of SRO 177 dated 20.06.2014. Therefore, the present case is hit by SRO 177 dated 20.06.2014, that after commencement of the J&K Muslim Personal Law (Shariat) Application Act, 2007, adoption in respect of Muslims is not permissible.


Now, therefore in view of the facts enumerated above coupled with the decision already taken by designated screening committee and rules in vogue the claim of the applicant for compassionate appointment on the basis of adoption is devoid of merits and is therefore rejected.

Sd/  
Director  
School Education Kashmir

Dated: 14-08-2024

No: DSEK/Legal/LS/197/NT/2024-14  
Copy to:

1. Principal Secretary, School Education Department, Civil Secretariat for information.
2. Chief Education Officer, Shopian for information.
3. Ld Counsel, Mohammad Rais U Din Ganai, for information.
4. Applicant for information.
5. Office record.

  
Personnel Officer  
Directorate of School Education  
Kashmir  
14/8/2024