

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**Case: WP(C) No.355/2025**

**Irshad Ahmed Khan**

.....Petitioner(s)

Through: Mr. Rahul Pant, Sr. Advocate with  
Mr. Anirudh Sharma, Advocate

**Vs**

**UT of J&K & Ors.**

..... Respondent(s)

Through: Mr. Faiz-ul-Arif Fahimi, Advocate

**Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER  
(01.04.2026)**

1. It seems that in the previous round of litigation, this Court vide order dated 03.12.2015 passed in SWP no.853/2010 had directed the respondent No.2 herein, namely, Commissioner/Secretary to the Govt., GAD, to reconsider the claim of the petitioner seeking compassionate appointment and pass appropriate order within a period of six weeks.
2. It seems that pursuant to the said direction, impugned order dated 03.01.2025 came to be passed by respondent-Corporation whereby the petitioner was appointed on compassionate basis under SRO 43 on consolidated remuneration of Rs.1500 per month, subject to confirmation of Board of Directors.

3. The grievance of the petitioner is that he is entitled to be appointed on compassionate basis under SRO 43 on a regular post and not on consolidated remuneration of Rs.1500 per month, which is less than even the minimum wages fixed by the Government.
4. The stand taken by the respondent-Corporation is that the Corporation is a commercial organization distinct from the Government and appointments under SRO 43 within the Corporation are made on consolidated basis, subject to confirmation of the Board.
5. Prima facie, the stand taken by the respondent-Corporation appears to be misconceived for the reason that on the one hand, it is being contended that SRO 43 of 1994 is applicable to the Corporation and on the other, it is being contended that the Corporation is at liberty to grant appointment under the said SRO on consolidated remuneration, which is contrary to the purport of the said SRO.
6. Learned counsel for the respondent-Corporation has submitted that it is not within the competence of the respondent to appoint the petitioner on compassionate basis under SRO 43 of 1994 without approval of the Board of Directors.
7. In view of the stand taken by the respondent-

Corporation, it is directed that the case of the petitioner for grant of appointment on compassionate basis on a regular post shall be placed by the respondent-Corporation before the Board of Directors and result thereof shall be conveyed to this Court on next date of hearing.

8. Having regard to the fact that in the earlier round of litigation, direction for reconsideration of the case was issued to the respondent No.2-General Administrative Department of the Government, it is necessary to have the stand of the said respondent. It is, therefore, directed that respondent No.2 shall also file its reply to the writ petition by next date of hearing.
9. Copy of this order be furnished to learned counsel for the respondents for information and compliance.
10. List on **06.05.2026**.

**(SANJAY DHAR)**  
**JUDGE**

**Jammu**  
**01.04.2026**  
**Sneha**