

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

CPSW No. 495/2016 in
SWP No. 3000/2015

Rajni Jamwal

.....Petitioner(s)

Through: None.

Vs

M. K. Bhandari, Secy. Health Deptt.
& Anr.

..... Respondent(s)

Through: Ms. Saliqa Sheikh, Advocate vice
Mr. Raman Sharma, AAG.

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

ORDER
02.03.2026

01. None appears for the petitioner. Await appearance.
02. Vide order dated 30.04.2016 passed by the writ court, the respondents were directed to consider case of the petitioner for compassionate appointment in terms of SRO-43 of the Jammu and Kashmir (Compassionate Appointment) Rules, 1994.
03. In the said judgment, it was clearly stated that the right of the petitioner's husband, who had passed away on 05.06.2015, to appointment had already crystallized, as such, the petitioner has every right to be considered for companionate appointment in his place in accordance with rules.
04. The respondents have filed the compliance report wherein it has been submitted that the claim of the petitioner was considered and the same has been rejected in terms of the

consideration order dated 26.09.2017. A copy of the said order has been placed on record. In the said consideration order, it has been stated that the claim of the petitioner has been found devoid of merit and, accordingly, the same stands rejected.

05. It is not discernable from the consideration order as to on what ground, the respondents have rejected the claim of the petitioner. Therefore, the respondents shall file an affidavit indicating the grounds on which the claim of the petitioner has been rejected. Needless to mention that once the writ court had already recorded a finding that the petitioner is entitled to compassionate appointment in terms of SRO-43 of the Jammu and Kashmir (Compassionate Appointment) Rules, 1994, at least the reason that husband of the petitioner was not holding any post, cannot be made a basis for rejection of his claim.

06. Needful shall be done by or before next date of hearing.

07. Be listed on **01.04.2026**.

(SANJAY DHAR)
JUDGE

Jammu
02.03.2026
Shivalee