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Annexure - E

**BEFORE THE HON'BLE
HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR**

IN THE MATTER OF :

CMP No. 1 /2016
In CMP No. 01/2015
In OWP NO. 1986/2013

TITLED

1) Kashmiri Pandit Sangarash Samiti Through
Its President
Sanjay K. Tickoo, Age 45 years
S/o Late Kashi Nath Tickoo
R/o Sathu, Barbar Shah, Srinagar

2) Vicky Ganjoo, Age 30 years
S/o Late Hari Krishen Ganjoo
R/o Sathu Barbar Shah, Srinagar Presented for

3) Ms. Renu Thotha, Age 25 years Salim Gupker Advocate
D/o Satish Thotha 19.03.2016 10.30
R/o Jawahir Nagar, Srinagar

4) Sandeep Koul, Age 26 years
S/o Late Pushkar Nath Koul
R/o Karfali Mohalla, Srinagar

Joint Registrar,
High Court of J&K. Sgr

.... Petitioners

Versus

1) Union of India through its
Home Secretary,
Ministry of Home Affairs
New Delhi

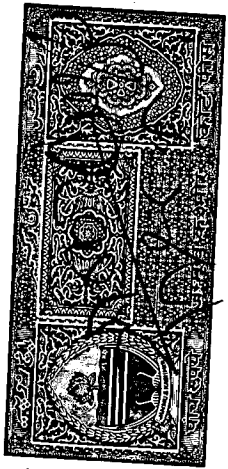
2) State of Jammu and Kashmir through
Its Chief Secretary
State of Jammu and Kashmir
Civil Secretariat
Jammu / Srinagar

3) Commissioner Secretary to Government
Revenue Department,
State of Jammu and Kashmir,
Civil Secretariat
Jammu / Srinagar

4) Relief Commissioner (M)
State of Jammu and Kashmir
Jammu / Kashmir.

IN THE MATTER OF: *CMP for Ad-Interim Relief.*

Opindali



OTD

*Recd copy of comp
Tadep Dg
V. Gupta
18/3/16*

Amay

*Recd copy
17/3/2016*

MAY IT PLEASE YOUR LORDSHIPS

Most humbly petitioners submit as under:

1. That the Miscellaneous Petition alongwith Main Petition tilted above is pending disposal before this Hon'ble Court and in view of the observations of this Hon'ble Court dated 09.09.2015 the Respondent Government was asked to take a stand before this Hon'ble Court in view of the Communication addressed to Relief and Rehabilitation Commissioner (M), J&K, Jammu by Special Secretary to the Government, Relief and Rehabilitation Department for extension of PM's Package to non-migrant youth stationed inside the Valley. Copy of the same is enclosed herewith for ready reference and is annexed as Annexure - "A"
2. The respondent Government in view of the communication addressed by the Ministry of Home Affairs and information provided to the petitioners has acknowledged the extension of PM's package to Non-Migrant Kashmiri Pandits as a subsequent development thereof. Copy of the same is enclosed herewith as Annexure - "B".
3. That the petitioners, therefore, on the strength of the reply to the RTI have now a strong prima facie case and accordingly pray for reserving of 561 vacancies from the Prime Minister's Package out of the existing 3000 vacancies created under PM Package.
4. That a formal representation / communication dated 28.01.2016 have also been submitted before His Excellency Governor and a copy whereof has been forwarded to Chief Secretary, State of J&K, Principal Secretary to Government, Revenue Department and Commissioner (M), Relief and Rehabilitation Department but till date nothing has been done in this

V. Gaurav
 [Signature]
 [Signature]
 [Signature]
 [Signature]

regard. Copy of the same is enclosed herewith as Annexure - "C". In addition to that a memorandum dated 14.03.2016 has also been submitted to the Shri. Kurshid Ahmad Ganai (IAS), Hon'ble Advisor to His Excellency the Governor, State of Jammu and Kashmir & Member, State Administrative Council. Copy of the same is also annexed herewith as Annexure - "D".

- 5. That if the relief as has been prayed for is not granted the petitioners will not only be non-suited but would also allow the respondent state to go ahead with the appointments as such resulting in grave mis-carriage of justice and irreparable loss to the petitioners which cannot not be compensated by any means of what so ever nature.
- 6. This application is duly supported by an affidavit sworn of its contents by the petitioners.

In the premises, it is accordingly prayed this application be accepted and 561 vacancies may please be reserved till final disposal of the petition. The same shall serve the ends of justice. For which act of kindness the petitioners as re duty bound in law shall forever pray.

Petitioners
Through their Counsel

V. Gupta
[Signature]
[Signature]
[Signature]

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**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

JWP No. 1986/2013
CMP Nos. 01/2016 & 01/2015

Date of Order: 31/05/2016

Kashmiri Pandit Sangrash Samiti Vs. Union of India & Ors.

Coram:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge.

Appearing counsel:

For Petitioner(s): Mr. Saleem Gupkari, Adv.
For Respondent(s): Mr. N. H. Shah, AAG.
Mr. Bilal Ahmad, Adv. vice Mr. S. A Makroo, ASGL.

The instant writ petition is filed challenging provision of Clause 2(d) of SRO 412 read with Section 5 of SRO 412 dated 30-12-2009. The following relief has been sought by the petitioners:

- i) That on the basis of the ground which have been taken up and reflected herein above, it would manifest that Clause 2(d) of SRO 412 dated 30-12-2009 read with Section 5 of SRO 412 are unconstitutional and therefore be declared ultra virus to the Constitution of India read with the Constitution of State of Jammu and Kashmir are being based on religion, place of residence and treating people un-equality without applying the test of intellectual differential.
- ii) That a mandamus be also issued directing the respondent state to allow the petitioners along with other 561 aspirants from the Non-migrant Kashmiri Pandit Community to apply in respect of the Hon'ble Prime Ministers' Package.

The writ petition has been filed in the year 2013.

Learned counsel for the petitioners states that a new

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policy has been announced in light of clarification issued under Right to Information Act which provides all relief measures to Kashmiri Pandits. It would be appropriate to reproduce Annexure B (Page 6):

Government of Jammu and Kashmir
Relief and Rehabilitation Department
Civil Secretariat, Jammu/Sriangar

Shri Vijay Sas,
R/o 93/1, Malayar, Nai Sarak,
Habba Kadal, Srinagar

No: R&R/RTI/375/2015

dated 21-12-2015

Subject: Application of Mr. Vijay Sas R/o 93/1, Malayar Nai Sarak, Habba Kadal, Srinagar.

With reference to your RTI application regarding the subject cited above and following information is hereby finished:

| S/No. | Point | Reply |
|-------|---|---|
| 01. | Kindly provide information on the follow up action taken till date in light of Cabinet decision: The Cabinet further desired that the Revenue Department should immediately work out an employment package for Kashmir Minorities who did not migrate on the same lines as is available to the Kashmiri Migrants.." | Government of India has approved funding of additional 3000 State Government jobs. The Kashmiri Pandit families who did not leave the Kashmir valley during the terrorist violence, that began in the State in early 1990s and who are still residing in the Kashmir Valley, will also be eligible for these jobs and preferably formula of one job per family is to be adopted. Relief Commissioner (Migrant), Jammu has been requested vide letter No. R&R/Rehab/ CSC/19 /2015 dated 16-12-2015 to work out modalities for creation of 3000 additional supernumerary post for Kashmir Migrants alongwith financial implications involved after examining the roadmap followed while creation of earlier 3000 supernumerary posts under Hon'ble Prime Minister's package. |

(Sidharath Dhiman)
Under Secretary to Government
Relief & Rehabilitation Department

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In response to that petitioners have also requested His Excellency, Governor, State of Jammu and Kashmir Rajbawan, Jammu by letter dated 28-01-2016 (Annexure C). learned counsel for the petitioners states that a memorandum dated 14-03-2016 (Annexure D) is also submitted to Jenab Khurshid Ahmad Ganai (IAS), Hon'ble Advisor to His Excellency the Governor & Member, State Administrative Council.

Learned counsel for the petitioners states that petitioners would feel satisfied, in case the claim of the petitioners is considered by 4th respondent in light of the reply given in the Right to Information Act referred to supra.

In light of the above, the instant writ petition is disposed of with a direction to 4th respondent to consider the claim of the petitioners in accordance with the rules. Let such decision be taken preferably within a period of six weeks from the date of receipt of copy of this order.

Writ petition disposed of as above.

Sd. Hon'ble Mr. Justice Ranalingam Sridharan Judge



SRINAGAR
31st May 2016
'Aasif'

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High Court
28/05/16
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Application No. 9340
Date of App. for the... 28-11-16
Date of which... 28-11-16
Date of making... 30/11/16
Fee charged...
Name...
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BEFORE THE HON'BLE
HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR

OWP No. 1986/2013

In the Case of:

- 1) Kashmiri Pandit Sangarsh Samiti Through its President
Sanjay K. Tickoo; Age 45 years
S/o Late Kashi Nath Tickoo
R/o Sathu, Barbar Shah, Srinagar
- 2) Vicky Ganjoo; Age 30 years
S/o late Hari Krishen Ganjoo
R/o Sathu Barbar Shah, Srinagar
- 3) Ms. Renu Thotha; 25 years
D/o Satish Thotha
R/o Jawahir Nagar, Srinagar
- 4) Sandeep Koul; Age 26 years
S/o Late Pushkar Nath koul
R/o Karfalli Mohalla, Srinagar

..... Petitioners

Versus

- 1) **Union of India through its Home Secretary Ministry of Home Affairs**
New Delhi
- 2) **State of Jammu and Kashmir through its Chief Secretary**
State of Jammu and Kashmir
Civil Secretariat
Jammu / Srinagar
- 3) **Commissioner Secretary to Government**
Revenue Department,
State of Jammu and Kashmir,
Civil Secretariat
Jammu / Srinagar
- 4) **Relief Commissioner (M)**
State of Jammu and Kashmir
Jammu / Kashmir

..... Respondents

CERTIFIED COPY

Assistant Registrar

High Court, Srinagar

Dated 28th Day of Nov 2016

AUTHORISED UNDER SECTION 76
OF EVIDENCE ACT

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Annexure - G

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR

WP(C) No. 2266/2019
CM No. 4250/2019

Kashmir Pandit Sangarash Samiti and Ors

...Petitioner(s).

Through: Mr. Saleem Gupkari, Adv. &
Mr. Gowhar Jan, Adv.

Vs.

State of JK and Others

...Respondent(s)

Coram:

Hon'ble Mr. Justice Tashi Rabstan, Judge.

ORDER

Learned counsel for the petitioners submits that the case in hand is squarely covered by the Judgment passed in OWP NO. 1986/2013 dated 13th May, 2013 and seeks disposal of the writ petition in hand at the thresh hold on the same lines and directions. His statement is taken on record.

At request, writ petition is accordingly disposed of with a direction to respondents to consider the claim as projected by the petitioners in this petition having regard to the judgment referred hereinabove provided the same is applicable in the case in hand.

Let the respondents take decision in the matter within a period of six weeks from the date copy of this order along with the complete paper book including paper book of OWP No. 1986/2013 is supplied to the respondents.

Disposed of as above along with connected CM(s).

(Tashi Rabstan)
Judge

Srinagar
02.07.2019
Imtiyaz