



# KASHMIRI PANDIT SANGARASH SAMITI

*Sathu Barbar Shah, Srinagar, Kashmir (J&K) – 190001*

*e-mail: kpss.kashmir@gmail.com*

*Ref. No: .....*

To

**Dated: 08.08.2018**

**Hon'ble Shri. N. N. Vohra,  
His Excellency the Governor,  
State of Jammu and Kashmir,  
Raj Bhawan, Srinagar**

**Confidential**

**Very Important**

**Urgent**

**Subject: Seeking Solution for Delay, Negligence & Harassment faced by the Non-Migrant Kashmiri Pandits / Kashmiri Hindus for implementation of extension of PM's Package for Jobs under Relief and Rehabilitation.**

## **“A Spark Neglected Burns The House”**

Esteemed Sir,

With reference to the subject cited above, it is most humbly submitted as under:

That ever since the amendment of SRO 412 dated 30.12.2009 to SRO 425 dated 10.10.2017 & Issuance of Order No. 96 – DMRR&R of 2017 dated 13.11.2017, wherein State Government in compliance to the Hon'ble High Court direction dated 31.05.2016 passed in OWP No. 1986/2013 titled Kashmiri Pandit Sangarash Samiti and ors Vs. Union of India and Ors reserved 500 posts for Kashmiri Pandit / Hindus educated unemployed youths presently living in the Kashmir Valley since aeons. But, unfortunately, it didn't went well with others and Sikh Community among them approached the Hon'ble High Court of Jammu & Kashmir Srinagar Bench to challenge the SRO 425 dated 10.10.2017 and Order No. 96 – DMRR&R of 2017 dated 13.11.2017.

It is worth to mention here that till the Government passed the necessary amendments in the SRO, which was by obvious reasons by virtue of Hon'ble High Court directions Sikh Community remain silent spectators and watched whole process till it reached to the conclusion by issuance of Government order mentioned supra. The necessary amendment came after we proceeded along the path for nearly nine years, but when orders where issued, some persons alongwith Sikh Community in Kashmir with nefarious and despicable motives to hoodwink the process, filed a petition bearing no. OWP 2048/2017 titled Kashmiri Sikh Community



# KASHMIRI PANDIT SANGARASH SAMITI

Sathu Barbar Shah, Srinagar, Kashmir (J&K) – 190001

e-mail: kpss.kashmir@gmail.com

Ref. No: .....

Vs. State of JK before Hon'ble High Court of Jammu and Kashmir at Srinagar to stop the process.

That though the interim direction passed by the Hon'ble Court on 14.12.2017 presided over by his lordship Hon'ble Mr. Justice Janak Raj Kotwal say nothing as such as "Stay" or "Status Quo" but the process was halted and the file was put on shelf to gather dust. In the mean time we approached the Hon'ble Court in Feb 2018 with LPA and the Double bench Comprising of his lordship Hon'ble Mr. Justice Ramalingam Sudhakar and his lordship Hon'ble Mr. Justice M. K. Hanjura, without creating any opinion referred the matter back to the Single Bench, to deal the issue on priority basis, as the Hon'ble Division Bench clearly said in its order that the Single Bench order is interlocutory and is valid till next date of hearing only. Since then the matter was list number of times before the Hon'ble Single Bench, but the interim direction grated on 14.12.2017 was never extended till date.

That we approached Divisional Commissioner (Kashmir) so many times to start the process of jobs under Government order 96 DMRR&R of 2017 dated 13.11.2017 and issuance of Bonafide Certificates which are mandantory for the posts advertised through SRO 425 dated 10.10.2018 and to validate our claim even we gave the reference of a Hon'ble Supreme Court orders passed on 28.03.2018 in the matter titled Asian Resurfacing of Road Agency P. Ltd Vs. Central Bureau of Investigations passed in Criminal Appeal No(s). 1375-1376 of 2013 wherein Hon'ble Supreme Court has made it clear that ***".....In an attempt to remedy this, situation, we consider it appropriate to direct that all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expire of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order mush show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can***



# KASHMIRI PANDIT SANGARASH SAMITI

*Sathu Barbar Shah, Srinagar, Kashmir (J&K) – 190001*

*e-mail: kpss.kashmir@gmail.com*

*Ref. No: .....*

***commenced unless of extension of stay is produced. ....”***

but in our case, the ruling of Hon'ble Supreme Court mean nothing and we are pushed to wall for more and more suffering.

That we approached the Hon'ble Advisor to the Governor, Shri B. B. Vyas (I.A.S.) on 23 July 2018 who assured us with speedy disposal of the both the issues we presented in front of him. In verbal discussion he gave us patient listening and even instructed us to meet Divisional Commissioner, Kashmir so that the issue is resolved without any further delay. He assured us that that a midway will be adopted in the larger interest of justice and proper implementation of extension of PM's Relief and Rehabilitation (Jobs) to the non migrant youths and in this regard in the first instance about 350 Posts out of 500 will be recruited and directed us to meet the Divisional Commissioner for resolving our Prime Issue.

That with our Second Issue, Shri B. B. Vyas (I.A.S.) assured us that there would be no harassment faced by the Non Migrant Candidates seeking Bonafide Certificate from their Respective Deputy Commissioners as in Preliminary Stages, various officials were very rude/biased in their approach to the Candidates seeking the Bonafide Certificate and in this regard talked to worthy Divisional Commissioner, Kashmir. But the concerned revenue staff at Districts continues with their rude and biased approach with the Non-Migrant Kashmiri Pandit / Kashmiri Hindu Candidates and the kind of harassment faced by the candidates is forcing us to re-think on our decision to continue to live in Kashmir Valley.

That further on 27 July 2018, we met Divisional Commissioner with the Copy of our Application which we had presented to Shri B. B. Vyas (I.A.S.), Hon'ble Advisor to Governor and he asked us to wait till 30 July 2018 and asked to meet him on 4:00 p.m. at his office and when we went to meet him on 30 July 2018 at 4:00 p.m. and just had entered his office room, worthy Divisional Commissioner, Kashmir simply said "Tomorrow you will come to know about the Process" and you need not to come again to meet him. On next day i.e 31<sup>st</sup> July 2018 nothing happened, and as per his instructions, he is also not interested to meet us to resolve the issue. (No one communicated to us anything).

*That on 2<sup>nd</sup> August 2018, we went to meet Shri B. B. Vyas, (I.A.S.), Advisor to Hon'ble Governor, at Civil Secretariat, Srinagar, but due to some*



# KASHMIRI PANDIT SANGARASH SAMITI

Sathu Barbar Shah, Srinagar, Kashmir (J&K) – 190001

e-mail: kpss.kashmir@gmail.com

Ref. No: .....

unavoidable exigencies, Hon'ble Advisor instructed Secretary (Relief and Rehabilitation) to give some time to us and hear our grievance and when we met Secretary (Relief & Rehabilitation) in presence of The Relief Commissioner (M) and other two officers in Civil Secretariat, Mr. Talat Parvez Rohella (K.A.S.) at the 1st instance said, "There is a Status Quo on the Posts". When we said to him about our erstwhile meeting with Shri. B. B. Vyas (I.A.S.) and cleared him about the assurance of 350 posts, he changed his tone and sarcastically said, let me give you 50 more posts, then with wicked smile he said ok, take another 100 posts from me as if we were begging. Controlling our emotions, we pleaded about the starting of the process, he used sarcasm at his peak, "**Jab tak Uparwala nahi Chahega kuch nahi ho sakta, wohi apko sari takleef de raha hai mai kya karu**". (Till God doesn't wish nothing can be done, it is God who is causing all such pain to you).

We Non Migrant Kashmiri Pandits / Kashmiri Hindus are in an awkward position. We are being sandwiched by the ideologies. Our presence in the Valley is not going well with other agencies. On one hand, if we are staying here, Kashmiri Pandit / Kashmiri Hindu Organizations in Jammu can't exaggerate their illicit demands for "Panun Kashmir", similarly, On other hand the majority populace within majority community of Kashmir Valley can't form a Complete Islamic State till we non-migrant Kashmiri Pandits / Hindus are living in Kashmir.

As such, it is most humbly requested, we be informed that what should we do, will our pleas be heard and sorted out without any further harassment, if not, we may be informed accordingly, because entire Non-Migrant Kashmiri Pandit / Kashmiri Hindu families survival and existence in Kashmir Valley is put on stake and the survival of this miscule religious community has become almost impossible in Kashmir Valley because of ideological corrupt, impractical and unrealistic attitude of some officers / officials in State Bureaucracy.

Yours faithfully

(Sanjay K. Tickoo)  
President, KPSS  
9906564741