

(2019) 08 J&K CK 0015

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 2956 Of 2019, CM No. 6089 Of 2019

Anant Singh

APPELLANT

Vs

State Of Jammu & Kashmir And Another

RESPONDENT

Date of Decision : 16-08-2019

Acts Referred:

Citation : (2019) 08 J&K CK 0015

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : K.D.S.Kotwal, Vishal Sharma

Final Decision : Disposed Off

Judgement

Tashi Rabstan, J

1. Notice to the respondents. Mr. K.D.S.Kotwal, Dy.AG waives notice on behalf of respondent Nos. 1 to 4 and Mr. Vishal Sharma, ASGI for respondent No.5.

2. It is contended by learned counsel for the petitioner that the petitioner after serving the department of the respondents came to be superannuated on 31.03.2019. It is also contended that the respondents No.1 to 4 recommended the case of the petitioner for settlement of pensionary and other retiral benefit according to last pay received by the petitioner, but, respondent No. 5 instead of settling the pension of the petitioner and other retiral benefits according to the last pay received by him settled the same on a lower pay scale without taking into consideration the last pay drawn by the petitioner.

3. The grievance of the petitioner is that case for settlement of pensionary benefits though was recommended by the competent authority, but is not being settled by respondent No.5, thereby depriving him and his family of their right to get the only source of sustenance.

4. Learned counsel for petitioner stated at the Bar that the petitioner would be satisfied, if the writ petition is disposed of at this stage with a direction to

respondents, particularly, respondent No.5 to settle the pension case of the petitioner within certain timeframe, having regard to the judgments rendered in SWP No. 1128/2010, SWP No. 1129/2010, and SWP No.1130/2010 and SWP No. 2792/2012 to which course other side has no objection to consider under rules.

5. In the given circumstances, this writ petition is disposed of with a direction to the respondents, particularly, respondent No. 5 to deal with and finally settle the pension case of the petitioner within a period of two months from the date copy of the order is made available to them. The respondents shall have due regard to the recommendations and the rules governing the matter as also the judgments rendered in SWP No. 1128/2010, SWP No. 1129/2010, and SWP No.1130/2010 and SWP No. 2792/2012.

6. Disposed of along with connected CM(s)