

(2018) 09 J&K CK 0066

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No. 1963 Of 2018

Chanchala Devi @APPELLANT@Hash State Of Jammu & Kashmir And Others

Date of Decision : 25-09-2018

Acts Referred:

Citation : (2018) 09 J&K CK 0066

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Surbhi Kotwal

Final Decision : Disposed Off

Judgement

1. The husband of the petitioner died in harness on 05.12.2012. At the time of death, husband of the petitioner was drawing salary in the pay scale of Rs.4000-6000 (pre-revised). Case of the petitioner for settlement of pensionary and other retiral benefits was forwarded by respondent Nos. 1 to 3 to respondent No.4 as per the last pay received by the petitioner's husband, but respondent No.4 instead of settling the claim of the petitioner as per the last pay received by her husband, settled the pension of the petitioner and other retiral benefits as per low pay scale without taking into consideration the last pay drawn by the petitioner's husband.

2. In this writ petition, the petitioner, inter alia, seeks a direction to the respondents to settle the pension of the petitioner as per the last pay drawn by the petitioner's husband at the time of his death. The petitioner also seeks a direction to the respondents to pay the arrears of pension after re-fixing the same as per the last pay drawn by her husband and gratuity withheld by the respondents along with interest @12% per annum till the same is released and paid to the petitioner.

3. Learned counsel for the petitioner, relying upon a judgment passed in an identical matter i.e. SWP No.1686/2013, submits that since the issue involved in this writ petition is similar, the present writ petition may be disposed of in the

same manner as has been done in the aforesaid writ petition.

4. A Coordinate Bench of this Court in SWP No.1686/2013, relying upon the judgments rendered in SWP Nos.988/2011, 1128/2010, 1129/2010 and 1130/2010 disposed of the writ petition by directing the respondents to settle the pension case of the petitioner within a period of two months from the date copy of the order is made available to the respondents.

5. In view of the above, this writ petition is disposed of by directing the respondents, particularly respondent No.4, to consider the claim of the petitioner for settlement of her pension case within a period of two months from the date certified copy of this order is made available to him. While considering the claim, respondent No.4 shall take note of the recommendations made by respondent Nos. 1 to 3 as also the judgments rendered in SWP No.1686/2013 and other connected matters provided the petitioner is similarly situated with the writ petitions of the aforesaid petitions.

6. Writ petition stands disposed of in the above terms.