

(2020) 01 J&K CK 0005

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 22 Of 2020, CM No. 39 Of 2020

Karam Chand

APPELLANT

Vs

Union Territory Of Jammu And Kashmir And Others

RESPONDENT

Date of Decision : 14-01-2020

Acts Referred:

Citation : (2020) 01 J&K CK 0005

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

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

Final Decision : Disposed Of

Judgement

1. Keeping in view the order, which this Court proposes to pass today, it may not be necessary to issue notice to the respondents.

2. The petitioner claims to be engaged as Daily Wager and served the respondents up to 31.07.1985 and thereafter he was converted from PDL to regular establishment w.e.f 01.08.1985 as Shift Attendant in the pay scale of Rs.345-460. He was thereafter placed in the pay scale of Rs.745-1025 in terms of order No.PHEJ/108-E of 1991 dated 19.06.1991 passed by respondent No.2. It is further submitted that the petitioner was given the benefit of SRO 149 of 1973 by respondent No.3 vide his order No. PHEMNDJ/E-20/2993-99 dated 27.11.2004 w.e.f 01.08.1992 and was placed in the pay scale of Rs.950-1500. Thereafter, the petitioner was granted second in-situ promotion, placing him in pay scale of Rs.5000-8000 (pre-revised), vide order dated 30.07.2009 passed by respondent No.2.

3. The petitioner further submits that at the time of superannuation i.e., on 31.07.2019, he was drawing the salary in the pay scale of Rs.9300-34800 with grade pay of Rs. 4200/- [5,000-8,000 (pre-revised)]. The respondent No. 4, however, instead of settling the claim of the petitioner as per the last pay received, intends to settle the pension and other post retiral benefits as per the

lower pay scale without taking into consideration the last pay drawn by the petitioner.

4. In this petition, the writ petitioner seeks a direction to the respondents to settle the pension of the petitioner as per the last pay drawn by him. The petitioner also seeks a direction to the respondents to pay the arrears of pension after re-fixing the same and gratuity withheld by the respondents along with the interest @ 18% per annum till the same is released and paid to the petitioner.

5. Learned counsel for the petitioner places reliance on the judgment passed in SWP No. 1686/2013 and submits that since the issue involved in this petition is similar to the aforesaid writ petition and, therefore, this writ petition may be disposed of in the same manner as has been done in the aforesaid writ petition.

6. A Coordinate Bench of this Court in SWP No. 1686/2013 while disposing of the said writ petition relied upon the judgments rendered in SWP Nos. 988/2011, 1128/2010, 1129/2010 & 1130/2010. In that writ petition, similar issue was raised as is raised in the present writ petition and the Writ Court disposed of the said writ petition directing the respondents to settle the pension case of the petitioner within a period of two months from the date copy of the order was made available to the respondents.

7. In view of the above, this writ petition is, disposed of, directing the respondents, particularly respondent No. 4, to consider for settlement of the pension case within a period of two months from the date certified copy of this order along with complete set of writ petition, is made available to them. Respondent No. 4 shall do the needful in terms of the recommendations made by respondent Nos. 1 to 3 as also the judgment rendered in SWP No. 1686/2013 and other connected matters.

With the aforesaid directions, this petition stands disposed of along with connected application.