



**Central Administrative Tribunal
Jammu Bench, Jammu**
Hearing through video conferencing

O.A. No.62/1114/2020

This the 11th day, Friday of December, 2020

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Abdul Khaliq Shah, Aged 70 years
S/o. Abdullah Shah,
R/o. Aishmuqam, Tehsil Pahalgam District,
Anantnag.

.....Applicant
(Mr. Arif Javeed Khan, Advocate)

Versus

1. UT of Jammu & Kashmir through
Commissioner/Secretary to Govt.
Food, Civil Supplies & Consumer Affairs Department,
Civil Secretary, Jammu/Srinagar;

 2. Director,
Food, Civil Supplies & Consumer Affairs Department,
Kashmir Sringar;

 3. Joint Director,
Food, Civil Supplies and Consumer Affairs Department,
Kashmir-Srinagar;

 4. Accountant General (A&E) J&K Sringar;

 5. Chief Accounts Officer Food Civil Supplies & Consumer
Affairs Department Kashmir- Srinagar.
- Respondents
(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

OA has been filed by the applicant seeking direction to release the pensionary benefits to him as has been released in favour of similarly situated persons by virtue of order dated 27.12.2016 and consider his case in the light of the judgment of the Hon'ble Supreme Court reported in AIR 2013 SCC 3383 and SCC 2017 Vol 1 page 49.

2. It is the case of the applicant though he was retired from service on attaining the age of superannuation on 31.3.2007, his pension has not been released so far. He further submits that similarly placed persons in the respondent department have been given the pensionary benefit in the light of the judgment of the Hon'ble High Court of J&K. Hence, he filed the instant OA seeking the aforesaid relief.

3. Heard learned counsel for the applicant and Mr. Amit Gupta, Learned Additional Advocate General appearing for the respondents and we have gone through the OA and perused the documents annexed to it.

4. Learned counsel for the respondent submits that criminal case filed against the applicant is still pending and provisional pension is being paid to the applicant.

5. At this stage learned counsel for the applicant submits that his client would be satisfied if his client is permitted to make a representation with regard to his grievance within a short time and, thereafter, the same

would be directed to be disposed of by the respondents by passing a reasoned and speaking order within a stipulated period.

6. With the limited prayer sought by the learned counsel for the applicant, the OA is disposed by permitting the applicant to make a representation with regard to his grievance within a period of one week from the date of receipt of copy of the order and upon receipt of such representation, the respondents are directed to decide the case of the applicant by passing a reasoned and speaking order within a period of three weeks thereafter. It is made clear that we have not observed anything on the merits of the case. The OA is accordingly disposed of at admission stage. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Rakesh Sagar Jain)
Member (J)

asvs