

CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU

Monday, this the 31st day of August, 2020

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

TA No.61/505/2020
MA No.61/715/2020
WP (C) No.672/2020

1. Kanta Devi, age 50 years,
Wd/o Late Kuldeep Singh, R/o Village Rathana,
Tehsil R.S. Pura, District Samba.
2. Parveen Kumar, age 60 years,
S/o Late Sh. Dewan Chand,
R/o Q.No.12-20, Bakshi Nagar, Jammu.

... Applicants

(By Advocate: Mr. Sachin Gupta, advocate)

Versus

1. Union Territory of Jammu & Kashmir,
Through Commissioner-Cum-Secretary to
Govt. Public Health Engineering Department,
Civil Secretariat, Jammu/Srinagar.
2. Chief Engineer,
Public Health Engineering Department,
Jammu.
3. Executive Engineer,
Public Health Engineering, Mechanical Rural
Division, Jammu.

4. Accountant General, Canal Road, Jammu.

5. Senior Accounts Officer,
In the office of Accountant General,
Canal Road, Jammu.

6. Executive Engineer,
Public Health Engineering,
Mechanical Division, North,
Jammu.

...Respondents

(By Advocate: Mr. Amit Gupta, advocate)

ORDER (Oral)

Per Hon'ble Rakesh Sagar Jain, Member (J)

During the course of the arguments, learned counsel for the applicants submits that facts of this case are similar to facts of SWP No.2598/2018 titled Shivdeep Singh Vs. State of J&K and ors. decided by the Hon'ble High Court vide order dated 21.12.2018 and that the present OA may be disposed of in similar terms as per aforementioned order of the Hon'ble High Court. The order dated 21.12.2018 of the Hon'ble High Court (supra) reads as under:-

“The case of the petitioner for grant of pension is under process. The apprehension expressed is that while processing the case of the petitioner, the respondents are ignoring the mandate contained in Regulation 242 of the

Civil Service Regulation (CSR). It is stated that the petitioner would feel satisfied in case while processing his case aforesaid regulation would be considered.

Reliance is also placed upon a Judgment and order dated 03.09.2014 passed by this Court in SWP No.2389/2011.

Be that as it may, with the consensus of learned counsel for the parties, this Petition alongwith connected IA is disposed of at this stage with a direction that the official respondents shall consider the case of petitioner for grant of pensionary benefits keeping in view the prohibition contained in Regulation 242 of the CSR as also the Judgment and order dated 03.09.2014 passed by this Court in SWP No.2389/2011.”

2. In view of the submission of learned counsel for the applicants, the present OA is disposed of on the same terms and reasoning adopted in the order dated 21.12.2018 (supra) and that respondents shall consider the case of the applicants for grant of pensionary benefits under Rules.

4. OA is accordingly disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

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