



Central Administrative Tribunal Jammu Bench, Jammu

Hearing through video conferencing

O.A. No.61/242/2020
M.A. No.61/157/2020

Friday, this the 17th day of July, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Nissar Ahmed, Age 61 years
S/o Shri Mohd. Rafiq,
R/o Mandir Marg, Bhaderwah
District Doda

...Applicants

(Mr. N.D. Qazi, Advocate)

Versus

1. Union Territory of Jammu and Kashmir
Through Commissioner/ Secretary to Govt.,
Food Civil Supplies and Consumer Affairs Department,
Civil Secretariat, Jammu/Srinagar
2. Director
Food Civil Supplies and Consumer Affairs Department,
Jammu
3. Chief Accounts Officer
Food Civil Supplies and Consumer Affairs
Plot No.58, Trikuta Nagar Extrusion,
Jammu

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Nissar Ahmad, son of Mr. Mohd. Rafiq, resident of Mandir Bazar, Bhaderwah, District Doda has filed this OA on 11.07.2020, seeking direction to respondents to release his pensionary benefits along with interest in view of –

(i) communication dated 27.04.2020 from Assistant Director, FCS&CA, Doda addressed to Chief Accounts Officer, Food Civil Supplies and Consumer Affairs, Jammu informing that short remittance on account of rate variation for October/November, 2016 worked out to the tune of Rs.613010/- needs clarification as on re-scrutiny of record submitted by TSO, Bhaderwah for the two months done by that office, it worked out only as Rs.422775/- on account of actual rate variation, and thereafter

(ii) TSO, Bhaderwah has intimated that the said amount of Rs. Rs.422775/- has been remitted/ deposited on account of rate variation into the revolving fund account and in view of No Demand Certificate issued by Assistant Director, FCS&CA Doda dated 25.02.2020, short remittance on account of rate variation for the months of October, 2016 and November, 2016 has been completely remitted into the treasury and now nothing is outstanding against the applicant.

2. We have heard Mr. N.D. Qazi, learned counsel for the applicant and Mr. Rajesh Thapa, Deputy Advocate General, on behalf of respondents.

3. The applicant's counsel urged that in view of the position explained in the above mentioned two clear communications from the respondents, the applicant's pension papers should be finalized by the respondents and his pensionary benefits should be released to him.

4. In view of the above submissions, the respondents' counsel concedes that the OA can be disposed of at this stage and the respondents would take necessary action for finalizing retiral benefits of the applicant within two months.

5. Considering the submissions of both sides, we dispose of this OA with direction to respondents (especially respondent no.2) to finalize the retiral benefits of the present applicant in view of two communications dated 27.04.2020 and 25.02.2020, referred to above, if no other proceedings are pending against the applicant, this action of finalizing his pension papers and release of retiral benefits should be completed by the respondents within a period of 60 days from the date of receipt of a copy of this order. However, considering the fact that the issue of remittances related to the office of applicant's earlier posting was pending finalization and it has been completed only by the end of April, 2020, we do not find justification for grant

of interest to the applicant on the payment of retiral benefits.

With this, OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

/dkm/