



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 6018/2021
(SWP No.2890/2010)

Monday, this the 19th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Krishan Lal Sharma
S/o Sh. Jagan Nath Sharma
R/o Ward No. 15, Mohalla Waziran,
Poonch City, age 60 years

...Applicant

(Mr. Ajay Abrol, Advocate)

Versus

1. State of Jammu & Kashmir
Through Commissioner/ Secretary to Government
Education Department
J&K Government,
Civil Secretariat, Jammu.
2. Director General,
Youth Service and Sports
J&K Government
Jammu
3. Director,
Youth Service and Sports,
Jammu
4. Accountant General, J&K,
Shakti Nagar
Jammu

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General for
respondent Nos. 1 to 3 and Mr. Raghu Mehta, Senior CGSC
for respondent No.4)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was a Physical Education Teacher (PET) in the Directorate General of Youth Service & Sports in the Jammu & Kashmir Government. He was also promoted to the post of Master. He was sent on deputation to the Sports Council, Jammu & Kashmir for some time, and he retired from service on 30.06.2008. However, he was not paid the pension by the Department on the ground that he retired from service at a time when he was in the Sports Council. The applicant filed SWP No.2890/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to release his pensionary benefits.

2. The applicant contends that once he is an employee of the Directorate General of Sports, there was absolutely no basis for the respondents to treat him as an employee of the Sports Council and to deny him, the pension.

3. The respondent No.4 filed a detailed counter affidavit. It is stated that they did not receive the pension papers.

4. On behalf of respondent Nos.1 & 2, it is stated that the case of the applicant could not be processed on account of



the fact that he retired at a time when he was in Sports Council.

5. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.6018/2021.

6. Today, we heard Mr. Ajay Abrol, learned counsel for applicant, Mr. Rajesh Thappa, learned Deputy Advocate General for learned counsel for respondent Nos. 1 to 3 and Mr. Raghu Mehta, learned Senior Central Government Standing Counsel for respondent No.4.

7. It is rather unfortunate that an employee of the Government was deprived of the pension for the past more than a decade. It is not in dispute that the applicant is a regular and permanent employee of the Directorate General of Youth Service & Sports, the 2nd respondent herein. It was for their convenience that the applicant was sent on deputation to the Sports Council. It is not even alleged that the applicant was permanently absorbed in that organization. In all fairness, the 2nd respondent ought to have sought repatriation of the applicant before his retirement. For one reason or the other, that did not take place. The fact, however, remains that he retired as an employee of the 2nd respondent and he cannot be deprived of the pension.



8. We, therefore, allow the T.A. and direct the 2nd respondent to process the pension papers of the applicant and forward it to the 4th respondent within four weeks. The 4th respondent, in turn, shall process the papers within four weeks thereafter, and the pension & other benefits of the applicant shall be released within two weeks thereafter, with interest permissible under the Rules. To avoid further delay, the applicant shall visit the office of respondent Nos.2 & 4 within two weeks from today and furnish the relevant particulars. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 19, 2021

/ sunil/pj/