

Item No. 4



**Central Administrative Tribunal  
Jammu Bench, Jammu**

T.A. No.573/2021  
(SWP No. 1140/2007)

Monday, this the 5<sup>th</sup> day of July, 2021

(Through Video Conferencing)

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

1. Akhil Sharma (Age 7 yrs.) (Minor)  
S/o Shri Vipan Kumar Sharma
2. Nikhil Sharma alias Ridhim (Age 4 yrs) (Minor)  
S/o Shri Vipan Kumar Sharma  
Through Shri Jodh Lal, Age 59 years  
S/o Late Sh. Dina Nath  
(Maternal Grand Father of the petitioners)  
R/o Qtr. No.64-E  
Distt. Police Lines, Jammu

...Applicants

(Nemo for applicants)

**VERSUS**

1. State of Jammu and Kashmir  
Through Financial Commissioner  
Home Department, J&K  
Civil Secretariat, Srinagar.
2. Additional Director General  
J&K (Armed) Police  
Srinagar.
3. Commandant  
JKAP XIth Bn. (Security Wing)  
Humhama, Srinagar (Kashmir).
4. Accountant General (A&E)  
J&K Srinagar.

Item No. 4



5. Senior Accounts Officer, PNR-II  
Office of the Accountant General (A&E)  
J&K, Srinagar.
6. Vipin Kumar Sharma  
S/o Shri Paras Ram Sharma  
R/o Mirthal, Tehsil Pathankot (Punjab)  
Presently posted as Constable  
78 Bn. Central Reserve Police Force  
Chatha, Satwari, Jammu.

...Respondents

(Mr. Sudesh Mangotra, Deputy Advocate General and Mr. Raghu Mehta, Senior CGSC)

### **ORDER (ORAL)**

#### **Mr. Justice L. Narasimha Reddy:**

The mother of the applicants herein, by name Rachna Khajuria, was employed as woman Constable with the Jammu & Kashmir (Armed) Police, XIth Bn., the 3<sup>rd</sup> respondent herein. She died on 01.01.2006 due to ailment. The applicants herein, through their maternal grandfather, Mr. Jodh Lal on the one hand and the father of the applicants by name, Vipin Kumar Sharma, 6<sup>th</sup> respondent on the other, filed claims for release of the death-cum-retirement benefit of Rachna Khajuria. When the claim of the applicants was not accepted, they filed SWP No.1140/2007 before the Hon'ble High Court of Jammu &

Item No. 4



Kashmir. The applicants contend that there was no basis for the 3<sup>rd</sup> respondent in denying the benefits to them.

2. On behalf of the 3<sup>rd</sup> respondent, a counter affidavit is filed. It is stated that a sum of Rs.1,15,872/- on account of medical reimbursement and Rs.24,362/-on account of leave salary of the woman Constable Rachna Khajuria is lying with them and in view of the conflicting claims, the amount was not paid.

3. 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.573/2021.

4. Today, there is no representation for the applicants. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General and Mr. Raghu Mehta, learned Senior CGSC.

5. It is rather unfortunate that the death-cum-retirement benefits of a woman Constable could not be released for about one and a half decades, after her death. The 6<sup>th</sup> respondent, i.e., the father of the applicants and the husband of the deceased Constable, laid his claim and that

Item No. 4



has delayed the payment. Being the children of the deceased Constable and 6<sup>th</sup> respondent, the applicant Nos. 1 and 2 can be paid the said amount along with other death-cum-retirement benefits, with accrued interest.

6. We, therefore, allow the T.A. and direct that the respondent Nos. 3 & 4 shall release the death-cum-retirement benefits, referable to late Rachna Khajuria, to the applicants within six weeks from today, by remitting the same in equal sums, in the Savings Bank Accounts, opened by them. If any of them is still a minor, they shall be represented by the guardian. Apart from the amounts, the respondents shall also pay the interest at the rate payable by the Nationalised Banks, on savings account.

There shall be no order as to costs.

**SUNIL JYOTI VEDANTH**  
**(Mohd. Jamshed ) (Justice L. Narasimha Reddy)**  
**Member (A) Chairman**

**July 5, 2021**  
 /sunil/jyoti/vb/