



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.4192/2020
(S.W.P. No.1698/2015)

Wednesday, this the 20th day of January, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Mohd. Mukhtar Mir, Age 68 yrs, S/o Ghulam Mohammad Mir,
R/o Kunan Babagund, Bandipora.

..Applicant

(Nemo for applicant)

Versus

1. State of J&K through Commissioner/Secretary to Govt. Finance Deptt., Civil Secretariat, Srinagar/Jammu.
2. Principal Secretary to Govt. Power Development Department, Civil Secretariat, Srinagar/Jammu.
3. Accountant General, J&K Srinagar.
4. Chief Pay and Accounts Officer, Power Dev. Corporation, Baramulla.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant retired as Accounts Clerk from the office of the Chief Pay & Accounts Officer in the year 2005, on attaining the age of superannuation. FIR No.1/1997 was registered against him while he was in service and he was also placed under suspension. Complaining that the respondents did not

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release his retiral benefits even 10 years after his retirement, he filed SWP No.1698/2015 before the Hon'ble High Court of Jammu & Kashmir. The applicant stated that he became disabled and on account of the denial of the retirement benefits, he is facing serious hardship. The Hon'ble High Court passed the interim order dated 10.08.2015 directing the respondents to release retirement benefits of the applicant, in accordance with the applicable Rules.

2. The respondent Nos. 2 & 3 filed separate counter affidavits. According to them, the Rules do not permit the release of the entire retirement benefits once the criminal case is pending.

3. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and registered as T.A. No.4192/2020.

4. There is no representation from the applicant. Today, we heard Mr. Sudesh Magotra, learned Deputy Advocate General and perused the records.

5. Withholding of the retirement benefits of the applicant was only on account of the pendency of the criminal case. Taking into account the hardship faced by the applicant, the Hon'ble High Court directed the release of the amounts, which are otherwise permissible under the Rules. It is not known as to

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whether the criminal case is still pending or has it been decided, and if so, in what manner. In case the applicant is acquitted, he needs to be extended the benefits. If on the other hand he is convicted, the appointing authority needs to pass an order, duly taking into account, the order of conviction.

6. We, therefore, dispose of the T.A. directing that in case the applicant is acquitted in the criminal case, all the service benefits, that remain unpaid, shall be released from two months from the date of receipt of a copy of this order. On the other hand, if the criminal case is still pending, the respondents need to await the outcome. The third situation is, if the applicant is convicted by the criminal court, the appointing authority needs to pass an appropriate order in the light of the same.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 20, 2021

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