



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.4333/2020  
(S.W.P. No.1365/2014)

Wednesday, this the 20<sup>th</sup> day of January, 2021

(Through Video Conferencing)

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

Mohammad Shafi Wani, Aged 60 years, S/o Ghulam Nabi Wani, R/o Katritang Bijbehera, District Anantnag..

..Applicant

(*Nemo* for applicant)

Versus

1. State of J&K through Commissioner/Secretary to Govt. Consumer Affairs & Public Distribution Department, Civil Sectt., Srinagar.
2. Director Consumer Affairs & Public Distribution Department, Kashmir, Srinagar.
3. Deputy Director Consumer Affairs & Public Distribution Department, South Kashmir, Anantnag.
4. Assistant Director Consumer Affairs & Public Distribution Department, Anantnag.
5. Chief Accounts Officer Consumer Affairs & Public Distribution Department, Kashmir, Srinagar.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

### ORDER (ORAL)

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

The applicant retired as Store Keeper from the establishment of Director, Consumer Affairs & Public Distribution Department on 30.09.2012. FIR No.40/2003 was



pending against him by the time he retired. Alleging that the respondents did not release the retirement benefits, he filed SWP No.1365/2014 before the Hon'ble High Court of Jammu & Kashmir. The applicant stated that in cases of certain employees against whom the FIR was pending, the retirement benefits were released. He prays for release of the retirement benefits.

2. 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.4333/2020.

3. The respondents did not file any reply.

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

5. The basis of withholding of retirement benefits of the applicant was the pendency of the FIR. It is not known as to whether the same is still pending. If the same is disposed of, consequential steps need to be taken. On the other hand, if any criminal case is pending, the benefits, which are otherwise permissible under the law, such as, the provisional pension depending on the eligibility of the applicant, need to be released.



6. We, therefore, dispose of the T.A directing:

- (a) In case the FIR filed against the applicant is still pending, feasibility of releasing the provisional benefits in accordance with the relevant Pension Rules, shall be considered, if not already released; and
- (b) If on the other hand, the criminal case is disposed of, necessary orders shall be passed by the competent authority, duly taking into account, the result of the criminal case, within two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

  
**( Pradeep Kumar )**  
**Member (A)**

  
**( Justice L. Narasimha Reddy )**  
**Chairman**

**January 20, 2021**  
/sunil/dsn/sd/shakhi