



Central Administrative Tribunal Jammu Bench, Jammu

TA No.5187/2020
(SWP No. 1533/2018)

Tuesday, this the 27th day of April, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Layaqat Ali Lati
S/o Late Mohammad Hussain Lati
R/o Poyn, Kargil
Aged 25 years

...Applicant

(Mr. Mufti Mehrajiuddin Farooqi, Advocate)

VERSUS

1. State of Jammu and Kashmir
Through Commissioner/Secretary to Government
Ladakh Affairs Department
Civil Secretariat, Srinagar/Jammu.
2. Commissioner/Secretary to Government
Rural Development Department
Civil Secretariat, Srinagar/Jammu.
3. District Development Commissioner/
Chief Executive Officer, LAHDC Kargil.
4. Director, Rural Development Department
Kashmir, Srinagar.
5. Block Development Officer
Headquarter to Project Officer Wages
ACD Kargil.
6. Accountant General, J&K
Srinagar.

...Respondents

(Mr. Raghu Mehta, Senior Govt. Standing Counsel)



ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The father of the applicant retired from service as Block Development Officer (BDO), Kargil, on 30.11.2011. However, his retiral benefits were not settled on the ground that his service record is not available. It is stated that the father of the applicant, i.e., Mohammad Hussain Lati, died on 05.11.2012. Steps were being taken by Mr. Lati, during his lifetime, and thereafter, the applicant for release of his pension. The reply of the respondents was that the service record is not available and further steps could be taken. The applicant filed SWP No. 1533/2018 before the Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to settle the pension of his father and to release the corresponding amounts.

2. The respondents filed a reply expressing their inability to sanction the pension on account of the non-availability of the service record.



3. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 5187/2020.

4. Today, we heard Mr. Mufti Mehrajiuddin Farooqi, learned counsel for applicant and Mr. Raghu Mehta, learned Senior Govt. Standing Counsel.

5. It is not in dispute that the father of the applicant was in service of the Government and retired as BDO, in the year 2011. It is rather surprising that the service record of such an employee was missing. The reasons therefor are not known.

6. One important development that has been taken place is that the Ladakh Autonomous Hill Development Council, Kargil addressed a letter dated 07.01.2021 to the applicant stating that the service record of his father was reconstructed and the applicant was required to visit their office, to enable them to take further steps. In view of this development, the pension and other retirement benefits of the father of the applicant can be worked out.

7. We, therefore, dispose of the T.A., directing the respondents to finalise the issue pertaining to the sanction of the pension and release of corresponding amounts, that were

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payable to the father of the applicant, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.



(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

April 27, 2021
/sunil/jyoti/sd/