



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.4609/2021
(CPSW No.182/2015 in SWP No.1310/2013)

Tuesday, this the 13th day of July, 2021

(Through Video Conferencing)

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

1. Abdul Majeed Bhat, 72 years
s/o Ghulam Mohammad Bhat
r/o Rawalpura, Srinagar
2. Abdul Gani Bhat, 70 years
s/o Mohammad Abdullah Bhat
r/o Gadoora Pulwama
3. Ghulam Mohammad Bhat s/o Ali Mohammad Bhat
r/o Karimabad Pulwama
4. Sonaullah Bhat s/o Mohammad Shaban Bhat
r/o Y K Pora Qazigund, Kulgam

..Applicants

(Nemo for applicants)

Versus

1. Mr. Shalin Kabra, Commissioner/Secretary to Govt.
Education Department, Civil Sectt, Srinagar/Jammu
2. Mr. Shaukat Ahmad Beigh,
Director School Education Kashmir
3. Mr. Ghulam Mohd.
Accounts Officer,
Directorate of School Education Kashmir, Srinagar

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicants filed SWP No.1310/2013 before the Hon'ble High Court of Jammu & Kashmir, feeling aggrieved by the denial of retirement benefits. The Hon'ble High Court disposed of the SWP, through an order dated 27.11.2013, directing that the case of the applicants shall be considered for payment of retirement benefits in accordance with the Rules occupying the field and recommend for its payment to the competent authority within three months. This contempt case is filed, alleging that the respondents did not take any steps to comply with the order dated 27.11.2013.

2. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the pension of the applicants could not be settled on account of registration of FIR No.96/1998 against them and that the case is still pending.

3. The CPSW has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.4609/2021.

4. Today, there is no representation for the applicants. We perused the record and heard the arguments of Mr. Sudesh Magotra, learned Deputy Advocate General.

5. The directions in the SWP were conditional upon benefits being available under the relevant Rules. It is fairly well settled that once the criminal case is pending against an employee by the time he retires, the retirement benefits cannot be released. He has to await the outcome of the criminal case. In fact, the Hon'ble High Court has also taken note of the pendency of the criminal case. Today, it is brought to our notice that the criminal case is still pending.

6. We do not find any contempt on the part of the respondents and accordingly, the T.A. is closed. However, it shall be open to the applicant, to pursue remedies, after the criminal case is decided, depending upon the outcome. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 13, 2021
/sunil/jyoti/