

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

Original Application No. 61/1507/2022

This the 02nd day of November, 2022

Hon'ble Mr. Suresh Kumar Batra, Member (J)



1. Chander Kiran, Age 62 years, D/o Sudershan Kumar Sharma, W/o Sh. Babu Ram Sharma, /o Bhatta, Jodhpur, Tehsil and District Doda.

...Applicant

(Through Advocate: Mr. Zulker Nain Sheikh)

Versus

1. UT of J&K through its Commissioner/Secretary, General Administrative Department, Civil Secretariat, Jammu-180001.
2. The Commissioner/Secretary to Govt. of J&K, Finance Department, Civil Secretariat, Jammu-180001.
3. The Commissioner/Secretary to Govt. of J&K, Social Welfare Department, Civil Secretariat, Jammu-180001.
4. The Mission Director, ICDS, J&K, Jammu-180001.
5. The Programme Officer, ICDS, Doda-182202.
6. Child Development Project Officer, ICDS, Doda-182202.
7. Accountant General, J&K, Jammu-180001

...Respondents

(Through Advocate: Mr. Sudesh Magotra, Ld. A.A.G./Mr. Rajesh Thapa, Ld. A.A.G./Mr. Hunar Gupta, Ld. D.A.G. and Mr. Raghu Mehta, Ld. Sr. C.G.S.C.)

ORDER

Mr. Zulker Nain Sheikh, Ld. Counsel for applicant, Mr. Sudesh Magotra, Ld. A.A.G. for Respondent No. 1, Mr. Rajesh Thapa, Ld. A.A.G. for Respondent No. 2, Mr. Hunar Gupta, Ld. D.A.G. for Respondent Nos. 3 to 6 and Mr. Raghu Mehta, Ld. Sr. C.G.S.C. for Respondent No. 7 are present.

2. By way of instant O.A., the applicant is mainly seeking the following reliefs:-

- “a. Directing the respondents to settle and pay the pension and other benefits of service of the applicant with all consequential benefits.”



3. Ld. Counsel for applicant submitted the applicant was initially engaged as Anganwari Worker, thereafter he was promoted as Supervisor in the pay scale of Rs. 4000-100-6000 in the year 2005. The applicant attained superannuation on 31.05.2020 and the case of applicant was recommended by respondents and relevant pension papers were submitted to Accountant General, Jammu. However, the Accountant General did not consider the case of applicant for grant of pension and only gratuity was sanctioned. It has been submitted that the applicant has rendered more than 39 years of service and entry to this effect has been made in her service book and as such her case was required to be dealt in terms of clarification issued by Circular vide OM No. A/36 (94)-1152 dated 29.12.1995 and SRO 328 dated 24.11.1998 read with Article 177, 178, 189 and Article 240-AAA (B) of J&K CSR Vol-I. It has been further submitted that similarly situated employees like the applicant approached the Hon'ble High Court of Jammu & Kashmir and Ladakh (Jammu Wing) by virtue of different writ petitions bearing SWP No. 2398/2014 titled Maryam Begum V/s State of J&K & Ors, SWP No. 2377/2014 titled Amarvati Devi V/s State of J&K & Ors seeking relief as claimed in the instant O.A. and upon consideration of the matter, Hon'ble High Court vide order dated 04.09.2014 and 02.09.2014 disposed of the aforesaid writ petitions with the following directions:-

“In view of the rule position that the employees paid from contingent fund are entitled to pensionary benefits, I deem it proper to dispose of the writ petition by providing that respondent No. 8 shall consider the case of the petitioner for grant of pensionary benefits in terms of SRO 328 dated 24.11.1998 and the Circular issued by Finance Department on 29.12.1995. Let this exercise be concluded within a period of one month from the date a copy of this order is served upon respondents by the petitioner.”

4. Ld. Counsel for applicant further submitted that the grievance of the applicant would be redressed, if a direction is issued to respondents to consider the O.A. as representation of applicant and decide the same within a stipulated time frame.



5. Mr. Sudesh Magotra, Ld. A.A.G. for Respondent No. 1, Mr. Rajesh Thapa, Ld. A.A.G. for Respondent No. 2, Mr. Hunar Gupta, Ld. D.A.G. for Respondent Nos. 3 to 6 and Mr. Raghu Mehta, Ld. Sr. C.G.S.C. for Respondent No. 7 conceded the limited prayer made by the applicant for disposal of O.A.

6. I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without expressing any opinion on the merits of the case, the O.A. is disposed of at admission stage with direction to respondents to treat a copy of this O.A. as representation of the applicant for releasing pension and other retiral benefits to the applicant and decide the same, keeping in view SRO 328 dated 24.11.1998 as well as order dated 02.09.2014 in SWP No. 2377 of 2014 passed by Hon'ble High Court of Jammu and Kashmir and other relevant rules and instructions on the subject, by passing a reasoned and speaking order within a period of three weeks from the date of receipt of a certified copy of this order. A copy of the speaking order, shall be communicated to the applicants within one week thereafter.

7. With the above direction, the O.A. stands disposed of. No costs.

(Suresh Kumar Batra)
Member (J)

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