

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

LPA No. 81/2021
CM No. 5978/2021

1. J&K Minerals Ltd. through its Managing Director, 5th Floor, Jawaharlal Nehru Udyog Bhawan, Railhead Complex, Jammu. Appellant(s)
2. Managing Director, J&K Minerals Ltd. 5th Floor, Jawaharlal Nehru Udyog Bhawan, Railhead Complex, Jammu.
3. Agent Coal Mines, Kalakote, District Rajouri.
4. Mines Manager, Coal Mines, Metka, Kalakote, District Rajouri.

Through: Mr. Ajay Abrol, Advocate

Vs

1. Bal Krishan S/O Raja Ram R/O Village Jungrial Tehsil Teryath District Rajouri. Respondent(s)
2. State of J&K (Presently UT) through Commissioner/Secretary to Government, Industries and Commerce Department, Civil Secretariat, Jammu/Srinagar.

Through: Mr. M.I. Khan, Advocate for R-1
Mr. K.D.S. Kotwal, Dy. AG for R-2

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER
11.09.2023

Tashi Rabstan, J

1. The present intra-Court appeal has been filed by the appellants against the order dated 14.05.2021 passed by the learned Single Bench in SWP No. 1539/2017 titled "Bal Krishan V/s State of J&K & Ors.", whereby the respondents have been directed to pay wages of the petitioner for the period he has rendered his services pursuant to the interim order dated 20.06.2017, within six weeks, which shall be subject to outcome of the writ petition.

2. This Court has vide order dated 09.11.2021 directed that until further orders of this Court, the effect and operation of orders dated 20.06.2017 and 14.05.2021 passed in SWP No. 1539 of 2017 shall remain in abeyance. The Court further observed that the appellants would not deny salary to respondent No. 1 for the period he had actually worked, may be on the strength of the interim order of this court.

3. Mr. Ajay Abrol, learned counsel for the appellants submits that vide order dated 09.11.2021 the respondent No. 1 has been retired from the services of the corporation on 09.11.2021. The details of the payment made to the respondent No. 1 are also mentioned in the said order.

4. Mr. M.I. Khan, learned counsel submits that the respondent No. 1 herein, in the writ petition before the learned Single Judge is seeking quashing and setting aside the communication dated 27.01.2017 wherein the petitioner is being superannuated on 30.06.2017 as also mandamus, commanding and directing to correct the date of birth of the petitioner as 10.05.1967 instead of 01.07.1957 as the same has been wrongly recorded and in terms of the orders dated 20.06.2017 and 14.05.2021 passed by the learned Single Judge, the respondent No. 1 would have been in service, however, he is no more in service because of the direction passed by this Court on 09.11.2021.

5. Since the present appeal has been filed by the appellants, challenging the interim order dated 14.05.2021 passed by the learned Single Judge, therefore, we deem it appropriate to dispose of this appeal, without touching the merits of the case as projected by the petitioner before the Writ Court, with liberty to the parties to agitate before the learned Writ Court.

6. Ordered, accordingly.

7. The learned Writ Court is requested to decide the writ petition SWP No. 1539/2017 at the earliest, preferably within a period of one month from today, till then the order dated 09.11.2021 passed by this Court shall continue.

8. Registry is directed to list the writ petition SWP No. 1539/2017 on 20.09.2023.

(Rajesh Sekhri)
Judge

(Tashi Rabstan)
Judge

Jammu
11.09.2023
Pawan Angotra

Whether the order is speaking? : Yes/No

Whether the order is reportable? : Yes/No

