

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

**RP No. 11/2022 in
SWP No. 1869/2010**

Ajaz Ahmad Bhat *alias* Shah

... Petitioner(s)

Through: -

Mr Hamza Prince, Advocate.

V/s

Union Territory of J&K and Ors.

... Respondent(s)

Through: -

None.

CORAM:

Hon'ble Mr Justice Tashi Rabstan, Judge.

(ORDER)

20.10.2023

RP No. 11/2022:

01. By this application, the Petitioner seeks review of final Order dated 5th of June, 2015 passed by this Court in SWP No. 1869/2010 filed by the Petitioner, in terms whereof the said Writ Petition was disposed of with a direction to the Respondents to accord consideration to the claim of the Petitioner for retiral benefits whatever due to him under rules and release the benefits so worked out in his favour.

02. From the perusal of the record, it emerges that the Petitioner had filed the aforesaid Writ Petition bearing SWP No. 1869/2010 before this Court, wherein he had prayed for the grant of following relief(s) in his favour:

“That by issuance of a writ of mandamus, the respondent-State Government be directed to issue the integrity certificate in favour of the petitioner on the basis of his service record and performance up to 1991 i.e. the year of select list and on the basis of the APRs of 1985 to 1988 that pertain to the year of allotment and forward the same to the Central Government in consequence to which the induction order shall be directed to be issued in favour of the petitioner on the basis of overall assessment as very good as

indicated in select list of 1991 and 1995 or any other order which this Hon'ble Court may deem fit in the interests of justice.”

03. It appears that the Petitioner, had also filed another Writ Petition bearing SWP No. 1633/2010 before this Court, wherein the Petitioner had sought a direction in the name of the Respondents for release of retiral benefits in his favour. This Writ Petition, in terms of Order dated 15th of April, 2021, however, stands transferred to the Central Administrative Tribunal for disposal under law, being the one covered under the Administrative Tribunals Act, 1985 pursuant to reorganization of the erstwhile State of Jammu and Kashmir into two Union Territories viz. Union Territory of Jammu & Kashmir and Union Territory of Ladakh.

04. In the present Review Petition, it is contended that the Writ Petition bearing SWP No. 1869/2010 was disposed of by this Court in terms of Order dated 5th of June, 2015 with a direction to the Respondents to consider the claim of the Petitioner for release of retiral benefits in favour of the Petitioner, when the fact of the matter is that the Petitioner was not seeking the release of retiral benefits in the said Writ Petition and, instead, was seeking release of integrity certificate from the Respondents. It is, as such, pleaded that there is error apparent on the face of record having crept in the Order dated 5th of June, 2015 passed by this Court.

05. Taking an overall view of the matter and having gone through the relevant record, coupled with the submissions made at the Bar by the learned Counsel for the Petitioner, this Court is of the opinion that there is an error apparent on the face of record having crept in the Order dated 5th of June, 2015, inasmuch as the Petitioner was not seeking the release of retiral benefits in the aforesaid Writ Petition bearing SWP No. 1869/2010, but was, in fact, seeking release of integrity certificate from the Respondents. That being so, the instant Review Petition is **allowed** and the Order dated 5th of June, 2015 is recalled. The Writ Petition bearing SWP No. 1869/2010 is restored to the position as existed therein prior to passing of Order dated 5th of June, 2015.

06. Review Petition is **disposed** of, accordingly.

SWP No. 1869/2010:

07. The grievance projected in this Petition relates to the subject(s) covered by Section 14 of the Administrative Tribunals Act, 1985 and the jurisdiction to hear this Petition, as a Court of first instance, therefore, lies with the Central Administrative Tribunal constituted under the provisions of the Act of 1985. Accordingly, in terms of Section 29 of the Act of 1985, this case is transferred to the Central Administrative Tribunal, Srinagar Bench for its disposal under law.

08. Registry is directed to transmit the record of the instant Petition to the Tribunal forthwith, retaining a photocopy thereof.

SRINAGAR

October 20th, 2023

"TAHIR"



(Tashi Rabstan)
Judge