

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

Case: CPSW 554/2014 In [SWP 442/2006]  
CM(2187/2022) IA(2/2018)  
IA(3/2018) CM(7225/2023)  
CM(1649/2022)  
CM(4671/2022) CM(3559/2022)  
CM(3355/2022)

Kuldeep Singh Jamwal

....Appellant/Petitioner(s)

Through: Mr. Subodh S. Jamwal, Advocate

V/s

Atal Dullo, IAS Financial Commissioner and  
another

....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG for  
Mr. Vishal Bharti, Dy. AG for

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER**  
**23.12.2024**

1. It has been brought to the notice of this Court by Mr. Vishal Bharti, learned Dy. AG appearing on behalf of the respondents that in compliance to judgment/order dated 18.11.2013 passed by this Court in SWP No. 442/2006, the judgment/order stands complied with and the Government of Jammu and Kashmir, Finance Department has issued Government Order No. 249-F of 2023 dated 23.12.2023, by virtue of which sanction has been accorded to treat the period of un-authorized absence of the petitioner w.e.f 31.07.1990 to 27.04.1993, as on duty along with release of arrears on account of salary for the aforementioned period and other consequential benefits in favour of the petitioner, strictly in tune with the judgment/order (supra) passed by this Court. Pursuant thereto, the Department of Skill Development has issued a communication dated 23.08.2024, whereby a request has been made to the

Principal Accountant General (A&E), J&K Srinagar to accord sanction to the release of gratuity in favour of the petitioner, which according to Mr. Jamwal, learned counsel appearing on behalf of the petitioner has not been paid as on date and the petitioner continues to suffer. The aforesaid communication has been annexed along with the compliance report filed by respondents, a copy of the same has been provided to the Court, which has been taken on record.

2. Learned counsel for the petitioner submits that insofar as, arrears for the aforesaid period are concerned, i.e., w.e.f 31.07.1990 to 27.04.1993, the same have already been paid to the petitioner, but gratuity till date has not been paid to the petitioner in spite of the issuance of the aforesaid communication dated 23.08.2024,. Thus, according to the learned counsel for the petitioner the judgment/order dated 18.11.2013 passed by this Court has not been fully complied with. He further submits that the petitioner as on date is being paid only the provisional pension and not the full pension, which is not import of the judgment/order passed by this Court.

3. Since, the Principal Accountant General (A&E), J&K Srinagar is not a party-respondent in the instant contempt petition, this Court in the peculiar facts and circumstance of the case, on the oral request of the learned counsel for the petitioner array Principal Accountant General as a party in the instant contempt petition on whose behalf Mr. Javid Choudhary, Advocate has caused appearance. Accordingly, a direction is issued to the Principal Accountant General to accord sanction for the release of gratuity in favour of the petitioner within four weeks in conformity with the communication issued by the Administrative Department i.e, Department of Skill Development dated 23.08.2024, whereby it has been conveyed in unambiguous terms that the petitioner was drawing basic pay of Rs. 1,34,500/- at the time of his retirement and it has also been conveyed that the Finance Department has released all the pensionary benefits in favour of the

petitioner. Thus, it was incumbent on part of the Accountant General to have accorded sanction in favour of the petitioner for the release of gratuity which till date has not happened.

4. In the aforesaid backdrop, no fruitful purpose will be served in keeping this contempt petition alive and, accordingly, the instant contempt petition is disposed of by directing the respondents to release all other pensionary benefits forthwith in favour of the petitioner, if the same have not been released as on date.

5. Accordingly, the proceedings in the instant contempt petition are closed.

6. It is made clear that in case sanction as directed by this Court is not accorded in favour of the petitioner within the aforesaid period and the pensionary benefits are not released in conformity with the order passed by this Court, petitioner is at liberty to revive the contempt petition and in that eventuality, this Court will be constrained to initiate coercive measures against the Accountant General.

7. The instant contempt petition is, accordingly, *disposed of*.

8. Rule if any, shall stand discharged.

**(Wasim Sadiq Nargal)**  
**Judge**

Jammu:  
23.12.2024  
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