

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Reserved on: 15.10.2025

Pronounced on: 30.10.2025

Uploaded on: 30.10.2025

*Whether the operative part or full
judgment is pronounced: Full Judgment*

CJ Court

LPA No.23/2025

1. The Sher-e-Kashmir University of Agriculture Science and Technology of Jammu, through its Registrar, Main Campus, Chatha, Jammu.
2. Comptroller, SKUAST-J, Head Office Admn. Block, Main Campus, Chatha, Jammu.
3. Deputy Comptroller (Pension) SKUAST-J, Head Office, Admn. Block Main Campus, Chatha, Jammu.

...Petitioner(S)/Appellant(s)

Through: - Mr. Anil Khajura, Advocate.

Vs.

Smt. Promila Kachroo Wd/o Late D. Vinod Kumar Wali R/o H. No.21, Sector-A, Bharat Nagar, Talab Tillo.

...RESPONDENT(S)

*Through: - Mr. Anupam Raina, Sr. Advocate, with
Mr. Ankur Parihar, Advocate.
Ms. Osheen Bhat, Advocate.
Mr. J. A. Hamal, Advocate.*

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

JUDGMENT

OSWAL 'J'

1) This intra-court appeal is directed against the judgment dated 07.06.2024 passed by the learned Writ

Court in WP(C) No.855/2022 titled “*Smt. Promilla Kachroo vs. Sher-e-Kashmir University of Agriculture Sciences and Technology & Ors.*”, whereby the appellants have been directed to process the case of the respondent for commutation of pension strictly in accordance with rules.

2) The appellants have assailed the impugned judgment on the following grounds:

- a) That the learned Writ Court while rendering the judgment impugned has not referred to the provisions contained in Civil Pension (Commutation) Rules, 1960 (for short “the Rules of 1960”), therefore, the impugned judgment is not sustainable in law.
- b) That in terms of Rule 12 of the Rules of 1960, the government servant is required to show that he is not suffering from the diseases enumerated in the aforesaid Rules and the very scheme of the Rules clearly indicates that the commutation of pension made available under Article 248-A, as provided under the Rules of 1960, is in the form of loan and having regard to the fact that that the government employee at the time of his retirement had chosen to take commuted value of his pension so payable to the extent permissible under rules, he shall continue to receive the pension at a lower rate than the rate at which he would ordinarily receive the pension in absence of commutation and after expiry of 15 years from the date of receipt of

commuted value, the commuted portion of the pension would be restored. In this case, husband of the respondent only marked his option for commuted value of pension but had neither submitted the medical certificate nor fulfilled other requirements, for grant of commuted value of pension.

- c) That there was a complaint and preliminary verification initiated against the husband of the respondent after his superannuation but due to untimely demise of the respondent's husband, those complaints etc. have not ultimately resulted into either registration of FIR or initiation of any departmental action against the late husband of the respondent and the learned Writ Court though was correct in holding that rule 7-A of the Rules may not be attracted in the present case but due to non-performance of codal formalities, the respondent was not entitled to receive commuted value of pension.

3) Learned counsel for the appellant has argued that the respondent was not entitled to commuted value of pension as the requisite formalities were not completed by her husband prior to his attaining the age of superannuation, but the learned Writ Court has not rightly considered the issue, therefore, the judgment impugned is not sustainable in the eyes of law.

4) *Per contra*, Mr. Anupam Raina, learned senior counsel appearing for the respondent, has submitted that the husband of the respondent had opted for commuted value of pension through the medium of application dated 10.03.2020 but before the pension could be sanctioned, he died due to Covid-19 Pandemic on 11.05.2020. He has submitted that the contention of the appellants that due to non-performance of codal formalities, commutation of pension was not sanctioned, cannot be accepted as a complete lockdown was imposed on 20.03.2020 due to Covid-19 Pandemic.

5) Heard and perused the record.

6) The record depicts that husband of the respondent was serving as Professor & Head, Fruit Science, FOA, Chatha with the appellants. He was due to retire on 31.03.2020 and before his superannuation, he applied with the competent authority for retiral benefits including the commutation of pension. The particulars submitted by the deceased husband of the respondent demonstrate that he had opted for commutation of pension through the medium of an application dated 10.03.2020. The husband of the respondent died in May 2020 due to Covid-19 pandemic. As per the response filed by the appellants before the learned writ court, after the demise of the husband of the

respondent, post-facto sanction was accorded to his superannuation vide order dated 19.06.2020, as the needful could not be done due to nationwide lockdown imposed on 24.03.2020. When the commuted pension was not sanctioned in favour of the respondent after the demise of her husband, she filed a writ petition for directing the appellants to sanction commutation of pension and other pensionary benefits in favour of her husband on the basis of application dated 10.03.2020 uninfluenced by the death of her husband, occurred subsequent to his seeking pensionary benefits along with all consequential benefits.

7) The claim of the respondent was objected to by the appellants solely on the ground of two complaints filed against the husband of the respondent, i.e. one filed by Sh. Isher Das and another received from the office of Lieutenant Governor. It was also stated that the retiring employee has to specify the objects for which commuted value of pension shall be ordinarily spent.

8) In terms of Government Instruction No.2 with reference to Article 168-D of J&K Civil Service Regulations, 1956, when a retired employee dies before the conclusion of departmental/judicial proceedings instituted against him, he must be treated as exonerated of all charges leveled

against him. This proposition of law has been admitted by the appellants in ground (c) of the memo of appeal. The learned Writ Court has rightly held that refusal of sanction of commutation of pension cannot be countenanced in law, as Rule 7A of Rules 1960 would not apply to the case at hand.

9) The contention of the appellants is that the codal formalities, more particularly in respect of non-submission of medical certificate, required for commutation of pension were not fulfilled by the husband of the respondent. Surprisingly, the appellants have not denied the submission of application dated 10.03.2020, as is evident from the objections filed by them before the learned Writ Court and further no such plea was raised by them before the learned Writ Court, as is evident from the perusal of the impugned judgment. But even if it is assumed that the deceased husband could not submit the medical certificate and complete the other formalities as required under Rules, still due to extraordinary situation prevailing at the relevant point of time leading to imposition of nationwide lockdown, as is admitted by the appellants themselves, in the month of March, 2020, the appellants cannot take refuge under this technicality to deny the commutation of pension. Had there been no lockdown, the deceased

husband of the respondent, in all probabilities, would have fulfilled the requirements of law prior to his superannuation on 31.03.2020, particularly when in the application he had expressed his desire for commutation of pension.

10) We have examined the impugned judgment, and we endorse the reasons assigned by the learned Writ Court while allowing the writ petition preferred by the respondent. The impugned judgment is well-reasoned and lucid and the same does not warrant any interference by this Court.

11) Viewed thus, we do not find any merit in this appeal and the same is dismissed accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
30.10.2025
Karam Chand

*Whether the **Judgment** is speaking:*

Yes

*Whether the **judgment** is reportable:*

No