

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

CPSW No. 593/2018 in
SWP No. 1022/2013

Said Ullah

.....Petitioner(s)

Through: Mr. M.Y. Akhoon, Advocate.

Vs

Frooq Ahmad Shah, Comm. Secy.,
PWD and ors.

..... Respondent(s)

Through: Ms. Nisha Kangotra, Advocate vice
Mr. Ravinder Gupta, AAG for R-1 to 3.
Ms. Sagira Jaffer, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-4.
Ms. Monika Thakur, Standing counsel for
R-5.
Sh. Rajesh Kumar-Executive Engineer,
Irrigation Division, Rajouri.

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

ORDER

18.02.2025

1. While the instant contempt petition was being argued, learned counsel for the petitioner has drawn the attention of this Court to the reply/compliance report filed by the Accountant General on 02.12.2024. The respondent No. 5 while filing the aforesaid compliance report has taken a specific stand that in compliance to the directions passed by this Court, the Account General has re-considered the case of the petitioners for pensionary benefits as qualifying service of 31 years, 02 months and 16 days and, accordingly, Revised PPO:- PNRJ-2/111007464 dated 22.11.2024 along with PPO:-PNRJ-2/111007464 dated 25.11.2024 have been authorized in favour of the petitioner and forwarded to the Treasury Officer, Sub Treasury, Darhal Malkhan for onward release of pensionary benefits in favour of the petitioner. The copy of the aforesaid Communication authorizing the revised pension and gratuity payment order, has been forwarded to the Financial Commissioner Secretary, Jal Shakti, Irrigation Department, Government of UT of J&K to do the needful vide Communication dated 25.11.2024.

2. It has been argued by the learned counsel for the petitioner that inspite of authorization by the Accountant General, the needful

has not been done till date and the concerned Treasury Officer has not released the payment in favour of the petitioner. Copy of the Communication dated 25.11.2024 has also been placed on record along with compliance report, which vindicates the stand of the Accountant General. Therefore, no fruitful purpose would be served to keep this petition alive and, thus, this Court deems it proper to direct the Treasury Officer, Sub Treasury, Darhal Malkhan to release the payment in favour of the petitioner within a period of two weeks from today in light of the revised pension authorization and the revised gratuity payment order issued by the Accountant General, the details of which, has been mentioned in the preceding paragraphs. Let the necessary payment be released in favour of the petitioner within the aforesaid period by the Treasury Officer, Sub Treasury, Darhal Malkhan. Accordingly, the proceedings in the instant contempt petition are **closed**. Rule, if any, shall stand **discharged**.

3. However, it is made clear that in case, the aforesaid direction is not carried by the concerned Treasury Officer, Sub Treasury, Darhal Malkhan within the aforesaid period, then the petitioner will be at liberty to revive the instant contempt petition and in that eventuality, this Court will be constrained to initiate coercive measures against the Treasury Officer, Sub Treasury, Darhal Malkhan.

4. Registry to convey this order to Treasury Officer, Sub Treasury, Darhal Malkhan for its immediate compliance.

5. The personal presence of Sh. Rajesh Kumar-Executive Engineer, Irrigation Division, Rajouri, who is present in the Court today, is dispensed with.

(Wasim Sadiq Nargal)
Judge

JAMMU
18.02.2025
Ram Krishan