

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

LPA 96/2025 in[WP(C) 2746/2021]

UNION TERRITORY OF J&K & ORS **...Petitioner/Appellant(s)**

Through: Mr. Waseem Gul, GA with
Mr. Mohd Younis Hafiz, AC
Vs.

GHULAM NABI WANI AND ORS **...Respondent(s)**

Through: Mr. M.Y. Bhat, Sr. Adv. with
Ms Urba Naseer, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDE R
25.11.2025

1. Impugned in this intra-court appeal, filed by the UT of J&K & two others, is an order and judgment dated 21st August, 2024, passed by the learned Single Judge of this Court ["the writ Court"] in WP(C) No. 2746/2021 titled "*Ghulam Nabi & Ors Vs. UT of JK & Ors.*", whereby the writ petition filed by the respondents herein has been allowed, and they have been held entitled to release of all retiral benefits including pay and arrears etc. within a period of three months from the date of passing of order, failing which the amount has been directed to be paid with interest @ 6% per annum from the date of filing of the writ petition till the actual payment.
2. Briefly stating the facts leading to the filing of this appeal are that the petitioners, claiming to be the retired employees of the Handcraft and Handloom Department Corporation, approached the writ Court by way of WP(C) No. 2746/2021, seeking inter-alia, a direction to the appellants herein to release the withheld arrears of 6th & 7th Pay Commission, leave salary arrears, COLA arrears, DA arrears etc.
3. On being put on notice, the appellants herein caused their appearance and filed their reply. In the reply they have not disputed the entitlement of the respondents herein to the post retiral benefits claimed in the writ petition, but pleaded their inability to make the payment due to paucity of funds. It was the stand of the appellant-

Corporation that it was running in losses and, therefore, was bereft of any financial resources to meet the demand of the petitioners.

4. During the pendency of the writ petition, it was brought to the notice of the writ Court that the Administrative Department had released a budgetary support of Rs. 115.00 lakhs in favour of the respondent-Corporation vide Government Order No. 190-IND of 2021, and a further sum of Rs. 200.00 lakhs in terms of Government Order No. 198-IND of 2021 dated 13.10.2021, to meet the statutory liabilities.
5. Having regard to the pleadings of the parties, the writ Court came to the conclusion that the respondents herein could not be denied their post retiral benefits on the ground of paucity of funds. The writ petition was, accordingly, allowed in terms of the judgment impugned.
6. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that in the given facts and circumstances of the case, the judgment passed by the writ Court cannot be found fault with. The appellants have a statutory duty to release the post retiral benefits in favour of the respondents, and non-availability or paucity of funds cannot be pleaded as an excuse to avoid fulfilling their statutory obligation. Once the appellant-Corporation does not deny the entitlement of the petitioners to some post retiral benefits, they cannot be permitted to take any excuse to deny the release of arrears on account of such post retiral benefits.
7. In view of the aforesaid, we find no merit in this petition. The same is accordingly **dismissed**. The appellants herein are given four months time to release all the post retiral benefits in favour of the respondents, including pay and arrears, etc from today as is provided by the writ Court, failing which the amount shall carry an interest @ 6% per annum from the date of filing of the writ petition till the actual payment.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

25.11.2025

"ARIF"