

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

CJ Court

**CM No.5505/2025
in LPA No.205/2025
CM No.5506/2025**

1. UT of J&K through Commissioner/Secretary to Govt. Urban Local Bodies Department, Civil Secretariat, Srinagar/Jammu.
2. Director, Urban Local Bodies, Srinagar, Kashmir.
3. Deputy Director, Local Fund Audit and Pensions, Kashmir.
4. Executive Officer, Municipal Council, Ganderbal.

...APPELLANTS(S)

*Through: - Mr. Mohsin S. Qadiri, Sr. AAG, with
Ms. Maha Majeed, Assisting Counsel.*

Vs.

1. Mst. Jana Begum, aged: 46 years, Wife of Late Habib-ullah Parray R/o Baderkund, Ganderbal.
2. Accountant General, J&K, Srinagar.

...RESPONDENT(S)

Through: -

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

ORDER

CM No.5505/2025

1) As per report of the Registry, there is a delay of 54 days in filing this intra-court appeal against the order dated 30.12.2024.

2) In view of the grounds urged in the application, which is duly supported by an affidavit, coupled with the submissions made at bar, the same is allowed and the delay in filing the appeal is condoned.

LPA No.205/2025
CM No.5506/2025

1. At the very outset, Mr. Mohsin Qadiri, learned Sr. AAG, has submitted that the present appeal be considered only on behalf of appellant No.3, as inadvertently the appeal has been filed on behalf of other appellants also. Accordingly, we have considered this appeal only on behalf of appellant No.3, who shall henceforth be referred as “the appellant”.

2. The appellant has assailed the order dated 30.12.2024 passed by the learned Writ Court in WP(C) No.2563/2023, whereby the respondents therein including the appellant have been directed to settle the claim of the petitioner therein (respondent No.1 herein) for grant of family pension under rules within a period of two months.

3. Mr. Mohsin Qadiri, learned senior AAG, has argued that in the reply filed by the appellant there was a mere acknowledgement on the part of the appellant that the case of the respondent No.1 for grant of family pension shall be considered as and when the same is received from the sanctioning authority for release in accordance with the rules but the learned Writ Court has directed the appellant to settle the claim of the respondent No.1. The appellant can settle the claim only if the same is forwarded by the concerned department.

4. After perusing the record, we find that the appellant in the impugned order has been directed to settle the claim of the respondent No.1 with regard to grant of family pension under rules within a period of two months. In fact, it is a joint exercise which is required to be undertaken by the all the appellants to settle the claim of the respondent No.1 with regard to family pension in accordance with law and, as such, we do not find that the appellant has any cause to prefer this appeal against the order dated 30th December, 2024, as obviously the appellant has to settle the claim only after it is received from the department concerned.

5. In view of the above, the appeal is dismissed being bereft of any merit.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
28.08.2025
"Bhat Altaf"

Whether the **order** is speaking: **Yes**
Whether the **order** is reportable: **No**