

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

WP(C) 2262/2024.

Date of Pronouncement:- 17.10.2025

Uploaded on 27.10.2025.

MOHD YOUSUF MAGRAY

...Petitioner/Appellant(s)

Through: *Mr. M. A. Beigh, Advocate.*

Vs.

UNION TERRITORY AND OTHERES.

...Respondent(s)

Through: *Mr. Mohsin. S. Qadri, Sr. AAG with*
Ms. Maha Majid, Assisting counsel.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

17.10.2025

(ORAL)

1. The petitioner in the instant petition is stated to have been engaged as a Daily wager by the respondents and thereafter regularized in terms of order dated 6th November, 2005, along with other similarly situated daily wagers. It is further stated that after rendering more than 23 years of service with the respondents, the petitioner retired upon superannuation on 31st December, 2021 while drawing the last pay of Rs. 29,339/-. It is also stated that after his superannuation the respondents were requested to process and settle his case of retiral benefits, however, the respondents fail to do so despite the fact that the petitioner completed all necessary requisite formalities in this regard. It is next stated that however, of late, the respondents informed the petitioner that owing to the pendency of an FIR, registered qua the engagement and regularization of the services of the petitioner and others in the respondent-department, his pensionary/retiral benefits could not be released. The petitioner, thus has maintained the instant petition seeking a direction upon the respondents for release of his pensionary benefits.

2. Objections to the petition have been filed by the respondents.
3. In the objections filed by respondents 1-4, it is stated that the basic engagement of the petitioner was made in violation of rules, norms and procedure inasmuch as, against the Articles 14 and 16 of the Constitution and the regularization of the petitioner as well as a Gardner was ordered contrary to law. It is further stated that the various cases of engagement and regularization in the respondent department become subject matter of investigation by the Crime Branch in FIR No. 19/2011 and petitioner herein as well being amongst such appointee/engage, as such, became subject to the investigation in the said FIR and that owing to the said reason, the pension and other retiral benefits of the petitioner as such, could not be released.
4. Reply has been filed by the respondent 5 as well wherein it is stated that the retirement notification of the petitioner has not been issued by the respondent 2 and as such, the answering respondent has no role in the matter, and that the answering respondent has been erroneously impleaded as party-respondent in the petition.

Heard counsel for the parties and perused the record.

5. According to the counsel for the petitioner, the issues involved in the instant petition are squarely covered by the judgments and orders passed by this Court in cases titled as *Mirzada Javaid Ahmad v. Union Territory of J & K & Ors [WP (C) No. 2261/2024]* decided on 16.09.2025 and *Gulzar Ahmad Khan v. Union Territory of J&K & Ors [WP (C) No. 3342/2023]* decided on 22.08.2025 and as such, would pray for disposal of the instant petition on the similar lines.
6. Perusal of the judgments and orders *supra* relied upon by the counsel for the petitioner indisputably suggest that the controversy therein the said petitions is identical to the controversy involved in the instant petition.

7. Accordingly, the instant petition is allowed and by issuance of a writ of mandamus, respondents are commanded to process, settle and release the pensionary and other retiral benefits of the petitioner including the arrears thereof to which the petitioner is entitled thereto within a period of eight weeks from the date, a copy of this order is produced by the petitioner before the respondents. In the event of failure to carry out the aforesaid direction by the respondents, the respondents shall also be liable to pay interest to the petitioner qua his pension and retiral benefits from the date same became due to the petitioner till the actual payment thereof.
8. Disposed of.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR
17.10.2025
"Ab.Rashid"

<i>Whether the order speaking:</i>	<i>Yes/No.</i>
<i>Whether approved for reporting:-</i>	<i>Yes/No.</i>