

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

LPA No.256/2025 in [WP(C) No.2851/2022] CM No.6955/2025

LIFE INSURANCE CORPORATION OF INDIA ...Petitioner/Appellant(s)

Through: Mr. Dheeraj Nanda, Advocate (through VC).

Vs.

MOHAMMAD ASHRAF AND ORS. ...Respondent(s)

Through: Mr. Syed Mohtasim, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE

ORDER

27.10.2025

1. This *intra court* appeal is directed against the order dated 13.08.2025 passed in WP(C) No.2851/2022, whereby the learned Writ Court, after recording the consent of learned counsel for the parties, disposed of the writ petition in terms of following order :-

“ x x x x In view of the aforesaid respective submissions of appearing counsel for the parties, the instant petition is disposed of with the consent of appearing counsel for the parties at this stage with a direction to the respondents to accord consideration to the case of the petitioner for according retrospective promotion as Assistant Administrative Officer with effect from January 2021 as also to the payment of Special Allowance in terms of order dated 15th of April 2021, with effect from the date the petitioner became entitled thereto, and let an exercise be undertaken and concluded in this regard within a period of eight weeks' from the date a copy of this order is produced by the petitioner before the respondents and in the event, respondents fail to take a decision as directed above, the petitioner shall be entitled to an interest upon the payment of arrears claimed by him, at the rate of 7% per annum from the date the petitioner became entitled thereto till date of actual payment.

2. The appellant has assailed the order dated 13.08.2025 to the limited

extent that concession made by learned counsel of the appellant was limited only in respect of considering the claim of the respondent No.1 for special allowance in accordance with law and the appellant never consented to any direction for retrospective promotion, grant of arrears or imposition of interest.

3. Notice.

4. Notice waived by Mr. Syed Mohtasim, learned Advocate on behalf of respondent No.1, the only contesting respondent.

5. With the consent of learned counsel for the parties, this appeal is heard finally.

6. A perusal of the writ petition reveals that the respondent No.1 had sought two reliefs i.e. directions to the appellant to consider his case for grant of promotion to the cadre of Assistant Accounts Officer (AAO) w.e.f. January 2021 i.e., the date from which the respondent No.1 became entitled to and for commanding the appellant to pay the Special allowance of Rs.2,575/- per month in terms of order No.G.S.R.271(E) dated 15.04.2021 to which the respondent No.1 became entitled to from January 2021 till date, alongwith the interest thereon @ 12% per annum till it is actually paid to respondent No.1.

7. In the order dated 13.08.2025, it is recorded by the learned Writ Court that second prayer made in the writ petition is under consideration and decision thereof is likely to be taken in near future and this observation was made after taking note of the statement made by the learned counsel for the appellant.

8. If no such statement was made by learned counsel for the appellant, then the appellant ought to have approached the same court bringing to its

notice in respect of erroneous recording of consent in the judgment. Be that as it may, we find that there is no positive direction to the appellant to grant the reliefs as sought by respondent No.1. But at the same time, we find that the subsequent direction in respect of payment of interest upon the arrears claimed by respondent No.1 at the rate of 7% per annum from the date the respondent No.1 became entitled thereto till the date of actual payment, in the event of failure of the appellant to accord the consideration to the case of respondent No.1 within the stipulated period, as mentioned above, could not have been issued, because of the reason that it would amount to grant of relief to respondent No.1 without allowing the appellant to consider the case of the respondent No.1 in terms of earlier direction as recorded above.

9. In view of above, we are of the considered view that the order dated 13.08.2025 passed by the learned writ court is required to be modified to the extent of deletion of direction in respect of grant of interest @7% per annum from the date the respondent No.1 became entitled thereto till the date of actual payment in the event of failure of the appellant to take a decision as mentioned above within the period of eight weeks. Judgment impugned dated 13.08.2025 passed by the learned writ court is modified accordingly.

10. Disposed of.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
27.10.2025
Ishaq

Whether the order is speaking
Whether approved for reporting

Yes
Yes