

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

**Case: CCP(S) No. 179/2020 IN
WP(C) No. 218/2020**

Major Singh

..... Petitioner(s)/Appellant(s)

Through :- Mr. Rajveer Singh Isher, Advocate vice
Mr. K. Nirmal Kotwal, Sr. Advocate

Vs

Sanjeev Kumar Chadha Chief Engineer
PHE and Ors.

.....Respondent(s)

Through :- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R- 1 & 2
Ms. Monika Thakur, Advocate for R-3 & 4

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

**ORDER
10.08.2026**

01. Through the medium of the instant petition, the petitioner seeks implementation of order/judgment dated 23.01.2020 passed by the learned writ Court, whereby the writ petition was disposed of in the following manner:-

“In view of the above, this writ petition is disposed of with a direction to the respondents, particularly respondent No. 4, to consider the claim of the petitioner for settlement of his pension case within a period of eight weeks from the date certified copy of this order is made available to him. While considering the claim, respondent No. 4 shall take note of the recommendations made by respondent Nos. 1 to 3 as also the judgment rendered in SWP No. 2622/2018 and other connected matters provided the petitioner is similarly situated with the writ petitioners of the aforesaid writ petitions.”

02. While disposing of the writ petition, the learned writ Court directed respondent No. 4 to consider the claim of the petitioner for settlement of his pension case within a period of eight weeks from the date of receipt of the certified copy of the order. While passing the aforesaid order, it was made clear

that, while considering the claim of the petitioner, respondent No. 4 shall take note of the recommendations made by respondent Nos. 1 to 3, as also the judgment rendered in SWP No. 2622/2018 and other connected matters, provided the petitioner is similarly situated with the writ petitioners of the aforesaid petitions.

03. Learned counsel for respondent Nos. 3 & 4 has drawn the attention of this Court to the fact that an application bearing CM No. 3198/2025 has already been filed for placing on record the copy of authorization of revised pensionary benefits in favour of the petitioner in terms of order dated 06.05.2026. It has been brought to the notice of this Court that the said application has not been allowed till date.

04. For the reasons stated in the application bearing CM No. 3198/2025, coupled with submissions made at Bar, the same is allowed and the documents annexed therewith are taken on record.

05. From a bare perusal of the aforesaid application, it is apparent that the respondents have considered the claim of the petitioner for settlement of his pension case and has authorized the revised pensionary benefits in favour of the petitioner on the basis of the last pay drawn @ Rs. 47,500/- on the administrative responsibility of the department. Alongwith the said application, the respondents have also placed on record the revised pensionary authorization dated 29.04.2025, Gratuity payment order dated 29.04.2025 and Commutation payment order dated 29.04.2025.

06. Learned counsel for respondent Nos. 3 & 4 submits that the Accountant General has already forwarded the aforesaid revised pensionary claim of the petitioner to the Treasury Officer for release of the same in favour of the petitioner which, however, has not been done till date in view of the fact that concurrence have not been accorded by the Administrative Department.

07. Learned counsel for the petitioner submits that, notwithstanding the dismissal of the SLP preferred by the respondents, the respondents have no option but to comply with the aforesaid order/judgment dated 23.01.2020 passed by the learned writ Court. He submits that the amount worked out by the Accountant General is required to be released in favour of the petitioner, as there is no impediment in doing so.

08. At this stage, learned counsel for respondent Nos. 1 and 2 submits that respondents have filed a review petition before the Apex Court and this is the precise reason that the revised pension could not be released in favour of the petitioner. Merely because a review petition has been filed, the same cannot come in the way of the respondents in releasing the revised pension in favour of the petitioner, particularly when there is no order of restraint operating against the respondents and, more so, when the Accountant General has already worked out the revised pension and forwarded the matter to the Treasury Officer for release of the same in favour of the petitioner.

09. Since there is no order of restraint/stay passed by the Apex Court which would come in the way of the respondents in releasing the revised pensionary benefits, a direction is accordingly issued to respondent Nos. 1 and 2 to release the revised pension, as worked out by the Accountant General, in conformity with the order/judgment dated 23.01.2020 passed by the learned writ Court and upheld by the Apex Court, without any further delay. The release of the revised pensionary amount shall, however, remain subject to the orders that may be passed by the Apex Court in the review petition preferred by the respondents. The respondents, having already suffered dismissal of the SLP, cannot withhold the revised pensionary benefits merely on the ground that a review petition has been filed. Accordingly, the respondents are under an obligation to release the revised pensionary benefits within a period of two

weeks from today in favour of the petitioner and let the said release be subject to the outcome of the review petition.

10. In the aforesaid backdrop, no fruitful purpose would be served by keeping the instant contempt petition pending. Accordingly, the proceedings in the instant contempt petition are closed. Rule, if any, shall stand discharged.

11. It is made clear that, in the event the aforesaid pensionary benefits are not released in favour of the petitioner within the aforesaid period, subject to the rider imposed by this Court, the petitioner shall be at liberty to seek revival of the instant contempt petition and, in that eventuality, coercive measures shall be taken against the respondents.

JAMMU
10.08.2026
Mihul



(WASIM SADIQ NARGAL)
JUDGE