

Regular List
Serial No. 07

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

CPSW No. 233/2018 in
SWP No. 1730/2017
c/w
CPSW No. 234/2018

Date of pronouncement : 08.05.2026
Uploaded on : 12.05.2026

Kamlesh Kumari

....Petitioner

Through:- Mr. S. M Choudhary, Sr. Advocate
with
Mr. Bilal Choudhary, Advocate

V/s

Deepika Sharma, Managing
Director, B.C. Road

.....Respondents

Through:- Mr. P.D. Singh, Dy. AG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

1. This Court, by virtue of an order dated **15.07.2017**, came to dispose of writ petition- **SWP No. 1730/2017** preferred by the petitioner- Kamlesh Kumari, with a direction to the official respondent i.e., Managing Director, JAKFED to consider and pay post-retiral benefits to the petitioner, be it in the shape of CPL, Gratuity, Leave Encashment.

2. Needful was to be done in terms of consideration order within a period of six weeks. The petitioner was also held

entitled to have interest on the aforesaid claim @ **9%** per annum.

3. The disposal of the writ petition had come to take place in the backdrop that the petitioner had retired from JAKFED as a Junior Assistant in the year **2015** but bearing grievance that her pensionary benefits including CPL, Gratuity and Leave Encashment had not been paid till date of filing of the writ petition.

4. The institution of writ petition- **SWP No. 1730/2017** by the petitioner had taken place on **14.07.2017**. Before that the petitioner had already filed a writ petition **No. 2111/2015** which along with batch of other writ petitions came to be disposed of by virtue of a common judgment/order dated **21.10.2016**.

5. By reference to the disposal of aforesaid two writ petitions, the petitioner came up with institution of two contempt petitions simultaneously instituted on same date i.e., **28.03.2018** alleging non-compliance of the directions as given in said two orders/judgments.

6. Of two contempt petitions, **CPSW No. 233/2018** is in a more serious context and that is as to whether the petitioner has still been paid her dues as she was entitled to get in terms of an order dated **15.07.2017**.

7. During pendency of the contempt petition- **CPSW No. 233/2018**, an amount of **Rs. 5,06,659/-**, inclusive of the

interest is said to have been withdrawn by the petitioner in terms of cheque payment **No. 025924** dated **22.06.2022**.

8. In view of the fact that the claim of the petitioner seems to be now drawn from two writ petition as referred above, this Court is of the opinion that the petitioner would be well advised to give rest to the present two contempt petitions, with liberty to come up with a fresh writ petition, in case any of her claims, be it in full or in part relatable to her service-related status and retirement status, remain unsatisfied and then to lay a fresh claim and pursue a fresh writ petition for which this Court is also inclined to give liberty.

9. Accordingly, these two contempt petitions are hereby **closed** without prejudice to the right of the petitioner to come up with a fresh legal recourse for seeking enforcement of her purported unsettled claim which she intends to pursue through the medium of these two contempt petitions.

10. If so advised, a fresh writ petition shall be filed by the petitioner within a period of three months with effect from the date of passing of this order.

11. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

JAMMU
08.05.2026
Sneha

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No