

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

**Case No. RP No. 44/2025 in
WP(C) No. 301/2025**

Date of Pronouncement:- 07.02.2026

Date of uploading:- 09.02.2026

**Sanjeev Parihar
S/o Late Sh. Sewa Ram Parihar
R/o Shaheedi Road, Kishtwar**

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

Through: Adv. Neeraj Verma vice
Adv. Muskan Raina.

vs

- 1. Union Territory of J&K,
Through Secretary, Finance
Department, Civil Secretariat,
Jammu.**
- 2. Secretary to Government,
General Administration
Department, Civil Secretariat,
Jammu.**
- 3. Secretary to Government
Cooperative Department, Civil
Secretariat, Jammu.**
- 4. Registrar,
Cooperative Societies, J&K,
Bantalab, Jammu.**
- 5. Additional Registrar,
Co-operative Societies,
(Liquidator, JAKFED),
Bantalab, Jammu.**

..... Respondent(s)

Through: Mr. P.D Singh, Dy. A.G

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

**ORDER
(07.02.2026)**

1. This review petition has been filed by the petitioner under Order XLVII, Rule 1 of Civil Procedure Code, 1908, seeking review of the judgment dated 30.08.2025 passed in WP(C) No. 301/2025 by virtue of which this Court has allowed the writ petition and directed the respondents to release retiral benefits due to the petitioner including CP Fund and arrears of 6th Pay Commission, within a period of three months from the date, a certified copy of the judgment is made

available to them by the petitioner, failing which, it shall carry simple interest @ 6 % per annum, till actual realization of the dues. It has been pleaded that the judgment sought to be reviewed had not granted applicable interest which is crucial aspect of the petition whereas, the Co-ordinate Benches of this Court have granted the interest in the identical petitions and a reference has been made to certain judgments in this behalf. It has further been pleaded that the provisions of Payment of Gratuity Act (for short “**the Act of 1972**”) have been overlooked whereas, the fact of the matter is that if the employers delay the gratuity within the timeframe, then award of interest is mandatory in cases of this nature and as such, the petitioner has been deprived of legitimate entitlement and the judgment is required to be reviewed with grant of interest on the amount of gratuity.

2. Learned counsel for the petitioner has drawn attention of this Court to Section 7 of the Act of 1972 of which Sub-Section (3-A) relates to the grant of interest as well. The Sub-Section (3-A) of Section 7 of Payment of Gratuity Act, 1972 is reproduced for convenience of reference as under:-

“If the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits, as that Government may, by notification specify.”

3. Learned counsel for the respondent-Co-operative Department, however, opposed the plea raised in this petition stating that the Federation in which the

petitioner was working had already been wound up and the petitioner cannot be made entitled to receive compensation after the winding up of the Federation.

4. The contention raised by the learned counsel for the respondents, however, loses its significance in view of the statutory provisions contained under Sub-Section (3-A) of Section 7 of Act of 1972 which provides for grant of simple interest on gratuity at such rate not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits by way of a notification. The Apex Court in case titled **Y.K Singla Vs. Punjab National Bank (2013) 3 SCC 472** has held that in view of the overriding affect of Payment of Gratuity Act, 1972, provided under Section 14 over all other enactments or instructions or contracts having force of law, 1972 Act conferring benefit of interest under Section 7 (3-A) would be applicable to such employee. The judgments that have been passed by the Co-ordinate Benches in WP(C) No. 2823/2023, WP(C) No. 1914/2024 & WP(C) No. 2279/2024 have also granted the applicable interest in favour of the petitioner.

5. Having regard to the submission made and the law position as discussed hereinabove and the precedents of the judgments passed by the Co-ordinate Benches, the petitioner has made out a case for reviewing of the judgment passed by this Court in WP(C) No. 301/2025, as such, the operative part of the judgment shall be recast as under:-

“Having regard to the discussion and observations made herein above, the petition is allowed and the respondents are directed to release retiral benefits due to the petitioner including C.P Fund and arrears of 6th Pay Commission along with interest @ 6 % per annum and the Gratuity along with applicable interest from the date it became due,

within a period of three months from the date, a copy of the judgment is made available to them by the petitioner till actual realization of the dues.”

6. Disposed of along with connected CM(s), if any.

**(M A CHOWDHARY)
JUDGE**

Jammu
07.02.2026
Tarun/PS

