

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

Reserved on: 29.01.2026
Pronounced on 05.02.2026
Uploaded on 05.02.2026

Whether the operative part or full
judgment is pronounced: **Full judgment.**

CJ Court:

LPASW No. 21/2017

1. Union of India through Secretary ...Petitioner(s)/Appellant(s)
to Government of India
Department of Posts India, New
Delhi.
2. Director, Postal Service, J&K
Circle Panama Chowk, Jammu.
3. Superintendent of Post Offices
Udhampur Division Dhar Road,
Udhampur.
4. Asstt. Superintendent of Police
Offices Udhampur Division, Dhar
Road, Udhampur.

Through: Mr. Vishal Sharma, Sr. Adv. (DSGI) with
Mr. Eishaan Dadhichi, CGSC

v/s

.... Respondent(s)

Geeta Devi W/o late Sh. Ram Lal R/o
Village Kaghote (Roan) Tehsil
Ramnagar, District Udhampur.

Through: Mr. Rahul Pant, Sr. Advocate with
Mr. Sidharth Goswami, Advocate

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

‘OSWAL-J’

1. During the pendency of the present appeal, the writ petitioner/original respondent expired and was substituted by his legal representative, namely Geeta Devi, respondent herein.
2. The writ petitioner/original respondent had challenged the order dated 07.05.2007 issued by the appellant No. 3, whereby he was removed from service as a Gramen Dak Sevak (Branch Post Master), by filing a writ petition bearing SWP No. 2171/2010. The said writ petition came to be disposed of by the learned writ court vide judgment dated 20.08.2016, whereby the impugned order dated 07.05,2007 regarding removal of the original respondent from service was set aside and he was directed to be reinstated and entitled to continuity in service, except monetary benefits for the period he had remained out of service.
3. The appellants, being aggrieved by the judgment dated 20.08.2016, have assailed the same by way of present intra-court appeal, *inter alia*, on the ground that the learned Writ Court failed to properly appreciate the controversy involved and erred in interfering with the punishment imposed by the Disciplinary Authority.
4. Mr. Vishal Sharma, learned DSGI appearing for the appellants, submitted that the learned Writ Court could not have directed reinstatement of the original respondent as all three charges levelled against him were proved.
5. Per contra, Mr. Rahul Pant, learned Senior Advocate appearing for the respondent, submitted that in view of the demise of the original respondent, the order of reinstatement is incapable of execution. He further submitted that the only limited relief to which the present

respondent is entitled to is an ex gratia gratuity or any other admissible payments, as Gramin Dak Sevaks are not entitled to pension. In support of his submissions, he drew the attention of this Court to the Department of Posts, Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011.

6. We have heard learned counsel for the parties and perused the record.
7. Admittedly, the original writ petitioner has expired. The learned Writ Court found the punishment of removal from service to be disproportionate to the misconduct attributed to the original respondent and granted relief of reinstatement to him. The relief granted to the original respondent, due to his demise, has become otiose.
8. Keeping in view the peculiar facts and circumstances of the case and in the interest of justice, we do not find any reason to show indulgence. However, we dispose of the present appeal with a direction to the appellants to pay ex gratia gratuity or any other admissible payments to the respondent in terms of Rule 6 of the Department of Posts, Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011, within a period of two months from today.
9. The appeal is accordingly disposed of.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU
05.02.2026
Karam Chand

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No