

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

**WP (C) No. 1152/2025 c/w  
CCP (S) No. 221/2025**

**Mohammad Maqbool Mir**

**... Petitioner(s)**

**Through: -  
Mr M. A. Beigh, Advocate.**

**V/s**

**Union Territory of J&K and Ors.**

**... Respondent(s)**

**Through: -  
Mr Ilyas Nazir Laway, Government Advocate.**

**CORAM:**

**HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE.**

**(ORDER)**

**21.07.2026**

**CCP (S) No. 221/2025:**

01. Learned Counsel appearing for the parties submit that the instant Contempt Petition does not survive for further adjudication.
02. In view of the aforesaid statement made by the learned Counsel for the parties, proceedings in this Contempt Petition are **closed**.
03. **Disposed of.**

**WP (C) No. 1152/2025; CM No. 3046/2025:**

04. The Petitioner, through the medium of this Petition, is seeking direction upon the Respondents to finalize his pension case on the basis of his last pay drawn and release of his pensionary benefits, including monthly pension, gratuity, leave salary etc., with retrospective effect from the date of his retirement viz. 31<sup>st</sup> of March, 2025.
05. Objections stand filed on behalf of the Respondents, wherein it has been stated that the Petitioner is not entitled to any service benefits, including pensionary benefits, because his regularization was contrary to law made by the incompetent authority. It is submitted that all cases of regularization after 2000 onwards at the hands of incompetent authorities

are being investigated by the Crime Branch, Kashmir under FIR No. 19/2011.

06. Heard learned Counsel for the parties and considered the matter.

07. It appears that the pensionary benefits of the Petitioner have been withheld only on the basis of an open FIR, however, there is no dispute with regard to the fact that during his service period till his retirement neither any preliminary nor any regular disciplinary inquiry was initiated against the Petitioner, therefore, on the basis of an open FIR, where he is not even named, his retiral benefits cannot be stopped.

08. A similar issue came up before the Division Bench of this Court in LPA No. 306/2025 titled '**Union Territory of J&K and Ors. v. Gulzar Ahmad Khan.**', wherein it was observed as under:

“9. This is an admitted position that the respondent attained the age of superannuation during the pendency of writ petition. Furthermore, no such proceedings were ever initiated by the appellants during his tenure. There is nothing on record to demonstrate that any judicial or departmental proceedings are currently pending against him. Having allowed the respondent to serve for nearly 25 years, it is now too late for the appellants to contend that his appointment was illegal. Had that been the case, appropriate proceedings for termination of his services ought to have been initiated at an earlier point of time.

10. Instead, the appellants continued to extract work from the respondent for over two decades and the benefits, he claims are earned through long service and not granted as charity. Having failed to act in time and allowing him to retire honourably, the appellants cannot now challenge his initial appointment or subsequent regularization. While the appellants claim that all regularization post-2000 are under investigation by the Crime Branch, Kashmir, it is evident that after 14 years, this investigation remains unfinalized and no charge-sheet has been produced in FIR No. 19/2011.”

09. Likewise, in the case of the Petitioner herein, no proceedings were ever initiated by the Respondents during his entire service tenure nor has any such material been brought on record by the Respondents to show that any judicial or departmental proceedings are currently pending against the Petitioner.

10. In view of above, this Petition is **disposed** of with a direction to the Respondents to consider the case of the Petitioner for finalization and release of his pensionary benefits in accordance with law expeditiously, preferably within a period of two months from the date of receipt of certified copy of this Order.

11. **Disposed** of, along with connected CM.

12. Registry to place a copy of this Order on each file.

**(SHAHZAD AZEEM)**  
**JUDGE**

**SRINAGAR**  
July 21<sup>st</sup>, 2026  
*"TAHIR"*

