Sr. No. 27

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 221/2024
CM No. 6250/2024

1. UT of J & K through .....Applicant(s)/Petitioner(s)
   Commissioner/Secretary to Govt.,
   Department of Finance, Civil Sect.,
   Jammu.
2. The Commissioner, Jammu Municipal
   Corporation, Town Hall, Jammu.
3. The Joint Commissioner (Accounts),
   Jammu Municipal Corporation, Town
   Hall, Jammu.
4. The Deputy Director,
   Local Fund Audit & Pensions,
   Jammu.

Through :- Ms. Saggira Jaffer, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG

v/s

1. Vijay Kumar Gupta, ...Respondent(s)
   S/o Lt. Sardari Lal,
   R/o 583, Sec-3,
   Channi Himmat, Tehsil & District Jammu.
2. The Accountant General,
   UT of J & K.

Through :- Mr. Ajay Bakshi, Advocate
Ms. Monika Thakur, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER
27.12.2024

CM 6250/2024

1. This is an application filed by the appellants seeking condonation of 65 days delay in filing the appeal against the judgment dated 20.03.2024 passed by the learned Single Judge in WP (C) No. 715/2022 titled **Vijay Kumar Gupta Vs. UT of J & K & Ors.**

2. For the reasons stated in the application coupled with the submissions made at Bar, the same is allowed and the delay of 65 days in filing the instant appeal is accordingly condoned.

3. **Application disposed of.**

LPA 221/2024

1. This *intra-court* appeal by the appellants is directed against the judgment dated 20.03.2024 passed by the learned Single Judge **["the Writ Court"]** in WP (C) No. 715/2022 titled **Vijay Kumar Gupta Vs. UT of J & K & Ors.** whereby the Writ Court while allowing the petition has directed the respondents/appellants herein to release withheld amount of gratuity in favour of the petitioner no. 1/respondent no. 1 herein along with interest @ 7.5% per annum.

2. Learned counsel for the respondent no. 1 submits that the instant case is fully covered by the judgment rendered by a Coordinate Bench of this Court in LPA 119/2022 titled **UT of J & K & Ors. Vs. Deshbir Singh & Anr.** decided on 22.09.2023.

3. Learned counsel appearing for the appellants could not point out as to how the case of the respondent no. 1 is different from the writ petitioner Deshbir Singh of WP (C) No. 1730/2020.

4. Having heard learned counsel for the parties and perused the material available on record including the impugned judgment, we are of the considered opinion that the case of the respondent no. 1 before the Writ Court was identical and similar to the case of Deshbir Singh in WP (C) No. 1730/2020. The writ petition filed by

Deshbir Singh was allowed by the Writ Court vide order dated 02.06.2022 and the appeal filed against the said judgment was dismissed by a Coordinate Bench of this Court vide judgment dated 22.09.2023 in LPA No. 119/2022.

5. In view of the aforesaid and without narrating the facts of the case in detail, we deem it appropriate to dismiss this appeal in light of the legal position narrated in judgment dated 22.09.2023 passed in LPA No. 119/2022 titled **UT of J & K & Ors. Vs. Deshbir Singh & Anr.** ***Ordered accordingly.***

(Puneet Gupta)
Judge

(Sanjeev Kumar)
Judge

JAMMU
27.12.2024
Manan

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

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

Manan Mahajan
2024.12.30 17:25
I attest to the accuracy and
integrity of this document