Serial No. 45
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2489/2022
CM(4156/2024)
CM(6302/2022)

Mohammad Ahsan Janwari **… Petitioner(s)**

Through: Mr. Huzaif Ashraf Khanpori, Advocate.

Vs.

Chairman J and K Grameen Bank & Anr **...Respondent(s)**

Through: Mr. Shaqir Haqani, Advocate.

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

ORDER
19.12.2024

01. The petitioner retired as Assistant Manager on 30.04.2016 after rendering 34 yeas of service. The retiral benefits were released in favour of the petitioner in part, but an amount of Rs.3,34,068/- was withheld by the respondent-Bank regarding which the petitioner made several representations. When the representations did not yield any fruitful result, the petitioner filed the present writ petition for directing the respondents to release an amount of Rs.3,34,068/- due to him on account of his retiral benefits and a prayer has also been made for directing the respondents to pay the interest at the prevelant market rates in favour of the petitioner.

02. On being put to notice, the respondents filed the response, stating therein that the petitioner has not challenged the communication dated 19.07.2019 addressed by the Assistant Manager, HRD Cell, in terms whereof the petitioner was advised to wait till final outcome of the recovery suit. It is stated that after the petitioner superannuated from the respondent-Bank on 30.04.2016, his retiral benefits in the form of gratuity, leave encashment, arrears of increment, advance GSLIPREM etc. were paid to him on 23.11.2016, but an amount of Rs.3,34,068/- was withheld by the respondent-Bank due to default in payment of the loan availed by one account holder, namely, Bashir Ahmad Mir, having Account No.

KCC197 at Branch Unit Botingoo, Sopore and the said credit facility available to farmers, was approved and released by the petitioner in favor of the said borrower on the basis of fictitious documents produced by him, that too without observing due care. The withheld amount has been kept in sundry account of the Bank. The negligence and omission on part of the petitioner has caused the bank huge pecuniary loss. It is further averred that the Bank has already lodged FIR No. 169/2018 against the borrower.

03. Heard learned counsel for the parties and perused the record.

04. The only ground on which an amount of Rs.3,34,068/- has been withheld by the respondent Bank is that the Bank has lodged FIR against the borrower bearing No. 169/2018 for defrauding the Bank and that recovery suit has also been filed against the said borrower and unless the erring employees are made accountable, there will be no improvement. It is admitted by the respondents that the petitioner superannuated on 30.04.2016 and the respondent Bank during the currency of his service did not initiate any proceeding against the petitioner and once the respondent Bank did not initiate any proceeding against the petitioner and allowed him to superannuate, the respondent-Bank could not have withheld any amount just on the ground that he had been negligent in performing his duties, while disbursing loan to one Bashir Ahmad Mir, who had allegedly submitted the fictitious documents for the purpose of availing loan facility.

05. It is also an admitted fact that the petitioner neither figures as accused in the FIR nor has been arrayed as defendant in the suit.

06. In view of the above, the present writ petition is disposed of by directing the respondents to release an amount of Rs.3,34,068/- in favour of the petitioner along with interest @ 6% per annum from 23.11.2016 i.e. the date on which other retiral benefits were released in favor of the petitioner till the amount is released in his favour.

07. **Disposed** of.

(RAJNESH OSWAL)
JUDGE

SRINAGAR:
19.12.2024
"HAMID"

Abdul Hamid Bhat
I attest to the accuracy and
authenticity of this document

21.12.24