

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

...

SWP no.1569/2012

Reserved on: 06.03.2025

Pronounced on: 30.04.2025

1. Altaf Hussain Khan aged 68 years S/o Late Samander Khan R/o Zugoo Khareen Arizal Budgam
2. Tahira Khan aged 71 years D/o Late Samander Khan R/o Ompora Budgam
3. Jabeena Khan Aged 58 years D/o Late Samander Khan R/o Balgarden Srinagar
4. Sameena Kausar Aged 55 years D/o Late Samander Khan R/o Check Marg Harda Panzoo Arizal Budgam
5. Farhat Tasleem Aged 48 years D/o Late Samander Khan R/o Check Marg Harda Panzoo Arizal Budgam

.....Petitioner(s)

Through: Mr M.A.Chashoo, Advocate

Versus

1. State of J&K through Commr/Secy to Govt. Industries & Commerce Deptt Civil Sectt, Jmu/Sgr
2. J&K Industries Ltd through its Managing Director, Old Sectt. Sgr, Kmr
3. Commr/Secy to Govt, Finance Deptt, Civil Sectt, Jmu/Sgr.

.....Respondent(s)

Through: Mr Jahingeer Ahmad Dar, GA

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

JUDGEMENT

1. Petitioners pray to direct respondents to grant pensionary and other retiral benefits in favour of deceased employee, namely, Samander Khan (Storekeeper) in Government Tanneries through petitioner herin as has been granted in favour of writ petitioners in SWP nos.275/2006,

1492/2006, 1000/2005. Respondents are also sought to be directed that after calculating pensionary and other retiral benefits to which deceased Samander Khan is entitled be paid to petitioner being legal heir, widow, in accordance with law and rules.

2. The case set up by petitioner is that her husband, namely, Samander Khan, was working as Storekeeper in Government Tanneries Department. Her husband had applied for pension and other retiral benefits but his case was not finalized till he died in the year 1983. Deceased served department up to 1st April 1966, when he was discharged because of handicapness as he had lost eyesight. It is being also stated that deceased was appointed as Leather Technologist on 26th February 1955 and his date of retirement was 1st April 1966.
3. Reply has been filed by respondent no.1, in which it is stated that petitioner has never approached respondents for pensionary benefits of her deceased husband. Neither petitioner nor her deceased husband was party before the Supreme Court. The said benefits were allowed to those who were party before this Court and before Supreme Court.
4. Reply has also been filed by respondent no.2. It is being averred that there were two sets of employees in J&K Industries Limited (JKI). One set of employees were appointed by the Government prior to formation of JKI as Corporation and Second Set of employees appointed by JKI as Corporation. Each set of employees filed writ petition before the Court and sought to be declared at par with the State Government employees. This Court dismissed both writ petitions. SLP was preferred. The Supreme Court allowed SLP and granted benefits claimed in writ petition only to the extent of appellants before the

Supreme Court. till date neither petitioner nor her deceased husband has been a party to any of writ petitions filed earlier by employees of respondent-corporation.

5. I have heard learned counsel for parties and considered the matter.
6. The matter has already been projected by similarly circumstances retired employees of respondent-corporation; in whose favour directions were passed directing granting of pensionary benefits. Against that appeal was preferred before the Division Bench of this Court. Appeal succeeded and learned Single Judge judgement set-aside. However, the matter went to the Supreme Court at the instance of aggrieved party. The Division Bench judgement was set-aside by the Supreme Court.
7. Afterwards, similarly situated persons/employees, who had not been party in earlier writ petitions or in SLP, preferred writ petitions, being SWP nos.1394/2006 and 275/2006. In those writ petitions, it was held that similarly circumstances ex-employees of respondent-corporation, who had been initially recruited and appointed as government employees and whose services were later on transferred to respondent-corporation, were entitled to pensionary benefits/retiral emoluments, like petitioners/appellants before the Supreme Court. Judgements/orders passed in aforementioned writ petitions were not put to challenge by Government of J&K; instead, those were complied with and pensionary and other post-retiral benefits given. Even in similar matter, viz. SWP no.682/2009, vide judgement dated 15.05.2024, respondents were directed to release pensionary benefits. If that being the position,

the case of present petitioner cannot be singled out and denied the benefit that has been given to similarly situated persons.

8. In view of above, writ petition is disposed of with a direction to respondents to consider release of pensionary/retiral benefits in favour of petitioners which were due to their father, being ex-employee of respondent-corporation. Let such exercise be completed by respondents within two months from the date copy of this order is served upon them.

9. Disposed of.

(Vinod Chatterji Koul)
Judge

Srinagar

30.04.2025

Ajaz Ahmad, Secretary

Whether approved for reporting? Yes/No.

