

Regular List
Serial No. 13

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

Pronounced on: 16.02.2026
Uploaded on: 18.02.2026

WP(C) No. 520/2024
CM No. 1205/2024

Faiz Ahmed Khalil

.....Petitioner(s)

Through: Mr. Ankush Manhas, Advocate.

Vs

UT of J&K & Ors.

.....Respondent(s)

Through: Mr. P. D. Singh, Dy. AG.
Ms. Saliqa Sheikh, Assisting Counsel
vice Mr. Raman Sharma, AAG.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(16.02.2026)

01. The petitioner has challenged the consideration order dated 16.11.2023 passed by the respondent No. 3- Additional Registrar, Cooperative Societies, Jammu/(Liquidator JAKFED) to the extent that it reflects an amount of Rs. 17,36,070/- as recoverable from the petitioner. He has further sought a direction upon the respondents to recalculate the retiral benefits in his favour and pay interest @ 9% per annum on the said amount.

02. Heard and considered.

03. It appears that the petitioner was working as a General Manager in J&K Cooperative Supply and Marketing Federation Ltd. (JAKFED) and he superannuated on 15.06.2019.

04. According to the petitioner, upon his superannuation, dues such as CPF, Gratuity and 6th Pay Commission arrears have not been released in his favour despite making a number of representations by the petitioner to the respondents. The petitioner is stated to have filed writ petition WP(C) No. 1531/2023 seeking release of an amount of Rs. 53.01 lakhs from the respondents which constitutes Gratuity (Rs. 20.86 lakhs), CPF (Rs. 20 lakhs) and arrears of 6th Pay Commission (Rs. 12.15 lakhs). The said writ petition was disposed of by this Court in terms of an order dated 12.06.2023 and a direction was issued to the respondents to consider and pay post-retiral benefits to the petitioner in the shape of Gratuity, CPF and 6th Pay Commission arrears within a period of six weeks along with interest @ 9% per annum.

05. Pursuant to the aforesaid order, the respondents have passed the impugned consideration order whereby the

petitioner has been held entitled to an amount of Rs. 22,74,599/-. It has also been indicated in the consideration order that the claims regarding 6th Pay Commission arrears are not reflected as the same requires Administrative decision and approval of competent authorities. In the impugned consideration order, it is also indicated that an amount of Rs. 17,36,090/- is recoverable from the petitioner on account of imprest amount. It is the case of the petitioner that he had submitted 650 vouchers/bills in original worth Rs. 17,24,090/- which were seized by the Vigilance Organization during the investigation of the case in FIR No. 23/2001 and after investigation of the case, the petitioner was exonerated and challan was not filed against him. It has been further submitted that it is the responsibility of the respondents to retrieve the accounts/vouchers from Vigilance Organization for verification of the imprest amount and on this count, release of amount to the petitioner cannot be withheld.

- 06.** The respondents in their reply have submitted that after verification of the records, an amount of Rs. 17,36,090/- was found outstanding against the

petitioner on account of imprest amount. It has been submitted that only an amount of Rs. 5,38,509/- is payable to the petitioner. It has been admitted by the respondents that 6th Pay Commission report was extended to the employees by the then JAKFED w.e.f. October, 2012 and the same is applicable to the employees who were in service in the year 2012 which includes the petitioner. It has been submitted that the respondents have taken a policy decision that without clearance of Vigilance, no amount can be released in favour of retired employees and because there is no vigilance clearance in favour of the petitioner, the amount cannot be released in his favour.

- 07.** Vide Order dated 16.12.2024 passed by this Court, Anti-Corruption Bureau, Srinagar was made a party to the present writ petition and it was directed to file response and apprise the Court whether the petitioner has submitted the requisite record/bills.
- 08.** Pursuant to the aforesaid order, respondent/Anti-Corruption Bureau, Srinagar has filed its reply in which it has been submitted that after investigation of the case FIR No. 23/2001, charges against the petitioner were dropped as he was not found involved

in the commission of any offence. It has been submitted that the challan was filed only against Fayaz Ahmed Dar the then storekeeper JAKFED, Srinagar. Regarding vouchers/receipts, it has been submitted that the petitioner did produce the vouchers/receipts which were duly seized by the investigating agency during the investigation of the case and the same have been submitted before the Court along with the challan. It has also been submitted that investigating agency has provided attested photocopies of these vouchers to the respondent-department for verification and adjustment in the books of the account.

- 09.** As already stated, respondent-department has shown outstanding amount of Rs. 17,36,090/- against the petitioner on the ground that he has not submitted the vouchers/bills in respect of imprest amount and, as such, the said amount is recoverable from him. The stand of the Anti-Corruption Bureau, Srinagar is very clear inasmuch as it has been clearly stated in their response that these vouchers/bills have been seized from the petitioner during investigation of the case and their authenticated copies have already been provided to the respondent-department.

10. In this view of the matter, it is not open to the respondents to claim that an amount of Rs. 17,36,090/- or any other amount is outstanding against the petitioner. It is also not open to the respondents to deny release of dues to the petitioner on the ground that Anti-Corruption Bureau, Srinagar has not given its clearance because their stand is clear from the reply filed before this Court and in that the petitioner was exonerated of the charges during investigation of the case. Therefore, the denial on the part of respondents to release of the dues in favour of the petitioner is wholly unjustified despite there being a direction from this Court that they shall pay post-retiral benefits to the petitioner within a period of six weeks from the order dated 12.06.2023 passed in WP(C) No. 1531/2023.

11. In view of the above, the writ petition is **disposed of** with a direction to the respondents to release post-retiral benefits of the petitioner in the shape of Gratuity, CPF and 6th Pay Commission arrears along with interest @ 9% per annum without insisting upon clearance from Anti-Corruption Bureau and without making any deduction of any amount on account of

imprest amount. The needful shall be done by the respondents within a period of two months from today.

12. ***Disposed of.***

**(SANJAY DHAR)
JUDGE**

**JAMMU
16.02.2026
SUNIL**

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

