Serial No.72

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: ROBSW No.07/2024 in
CPSW No.540/2018
c/w
CPSW No.540/2018

Robkar

.....Petitioner(s)

Through: Mr. Mohd. Rafiq Chak, Advocate

Vs

Sanjeev Verma, Commissioner
Secretary to Government, General Administrative Department,
Jammu

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG

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

ORDER
16.02.2026

1. Fresh statement of facts/status report dated **05.02.2026** has been filed by the respondents. In the said statement of facts, it has been submitted that a bill in the amount of Rs.33,97,112/- was presented with District Treasury, Reasi for payment of the said amount to the petitioner. It is further indicated in the status report that after deducting tax of Rs.7,82,378/-, the amount of Rs.26,14,734/- stands credited to the bank account of the petitioner.

2. This position is not being disputed by the learned counsel for the petitioner. However, learned counsel for the petitioner has submitted that tax deducted at source

is on the higher side.

3. If that be the position, it is open to the petitioner to project this aspect while filing his tax return and seek refund of the amount.

4. So far as the amount of Rs.24,59,318/- which is stated to have been deposited with the Registry of the Court is concerned, a fresh report has been submitted by the Registry wherein it has been stated that the said amount has now been credited to the account of the Registrar Judicial.

5. Learned counsel for the respondents has submitted that the respondents have already initiated a departmental enquiry against the petitioner as there are allegations that he has committed misappropriation of foodgrains and, therefore, until the said enquiry is concluded, the amount may not be released in favour of the petitioner.

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6. In the above context, it is to be noted that only the payment of provisional pension has been recommended in favour of the petitioner. The other retiral benefits like gratuity and leave salary are yet to be released in his favour. Therefore, in case the respondents succeed in proving the charges against the petitioner in the departmental enquiry, which is pending against him, they can always recover the outstanding amount from

the other pensionary benefits of the petitioner, but they cannot withhold both the pensionary benefits as well as the amount of salary which stand deposited with the Registry of this Court.

7. In view of the above, the Registry is directed to transfer the amount deposited in the bank account of the petitioner which shall be furnished to the Registry by the learned counsel for the petitioner.

8. In view of the fact that judgment of the writ Court now stands complied with, the rule is discharged and the contempt proceedings are closed.

(Sanjay Dhar)
Judge

Jammu
16.02.2026
Sneha

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