

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

LPASW no.153/2007

Date of order: 21.11.2013

J&K S.R.T.C. & ors. v. Parminder Singh and ors.

Coram:

**Hon'ble Mr. Justice M. M. Kumar, Chief Justice.
Hon'ble Mr. Justice Hasnain Massodi, Judge.**

Appearing counsel:

For the appellant(s) : Mr. Ajay K. Gandotra, Advocate.
For the respondent(s) : Mr. K.S.Johal, Sr. Advocate with
Mr. Amit Gupta, Advocate.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No. |
| ii) | Whether approved for publication
in press: | Yes/No |
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M.M.Kumar, CJ

1. The instant appeal under Clause 12 of the Letters Patent is directed against judgment and order dated 17.08.2007 rendered by a learned Single Judge of this Court, holding that the order of dismissal dated 23.10.2000 was unsustainable in law as the same had been passed without holding any departmental enquiry against the delinquent Rajinder Singh, who was working as Conductor with the appellant-Corporation. It has come on the record that the dismissal order was passed when delinquent Rajinder Singh was in jail and thereafter he died somewhere in 2003. The proceedings have been initiated by filing SWP no. 1409/2004 by his son, minor daughter and parents.

2. In the backdrop of aforesaid facts, we impressed upon the parties yesterday that in matters of this nature,

the settlement may be the better option than to decide the legal issue, which may engage the parties in a protracted litigation. Accordingly, we have asked both the learned counsel to ensure the presence of their respective parties in the Court so as to arrive at an amicable settlement. It is appropriate to mention that in terms of order dated 25.04.2008 a statement showing entitlement of the deceased has been filed on the presumption that the judgment and order impugned in the appeal was to be implemented as if he did not expire on 01.06.2003. The appellants had found that he would have been entitled to a sum of Rs. 4,60,248/- on account of his salary which include CCA, HRA, Medical allowance, COLA, Additional COLA and interim relief etc. However, if the period of absence on account of arrest was to be excluded then the total amount calculated is Rs.69,234/-. The aforesaid amount would be payable on account of salary. During the course of discussion, there appears to be consensus that on account of salary a lump sum amount of Rs. 2,00,000/- (two lac) may be paid to the writ petitioner-respondents as a part of final settlement. The statement has been made by Sh. Ajay K. Gandotra after receiving instructions from the Managing Director of the Corporation through Sh. Ashok Kumar Khajuria, FA & CAO, JKSRTC, who has been authorized in writing to make the statement. Letter of authorization is taken on

record as Mark-“X”. In addition to the salary, the writ petitioner-respondents would also be entitled to the payment of gratuity, leave encashment, CPF and other benefits admissible under the Rules/Regulations. The payment of all the aforesaid financial benefits be made in the shape of three demand drafts of equal amount in the name of Smt. Ram Payari, Sh. Parminder Singh and Ms. Navnet Kour because the father-claimant, Sh. Tej Bhan Singh has expired during pendency of the appeal. The needful shall be done within two weeks. The drafts made in the name of respondents shall be handed over to Sh. K. S. Johal by Sh. Ajay K. Gandotra for onward transmission to the writ petitioner-respondents. The compliance report be filed with the Registrar Judicial and same be placed before the Bench.

Copy of the order be furnished to learned counsel for the parties today itself.

This appeal stands disposed of.

(Hasnain Massodi)
Judge

(M. M. Kumar)
Chief Justice

Jammu,
21.11.2013
Vinod.