

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

SWP No.758/2016

Date of Order:27.04.2017

Ali Mohammad Wani Vs. State of J&K &Anr.

CORAM:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge.

Appearing counsel

For the petitioner(s) : Mr.Salih Pirzada, Advocate.

For the respondent(s) :Mr. S.H.Naqashbandhi vice Mr. Sajad Mohi-ud-din, GA.

The relief sought in the writ petition is as follows:-

By a writ of Mandamus

- A) The respondents be directed to disburse retiral benefits including Gratuity, leave salary, commuted value of pension together with the differential amount of salary for suspension period.
- B) The respondents be further directed to disburse the claim in favour of the petitioner alongwith interest @ 18% from the date of claim till its final realization.

Petitioner claims to have retired from service while facing trial in a criminal case. The respondents are allowing only the provisional pension and the due retirement benefits have been retained. Petitioner was reinstated in service after suspension and he continued on duty till retirement. The allegation against the petitioner is that he has shown irregularity in registration of vehicles.

According to the petitioner the departmental inquiry after retirement is not justified. Petitioner submits that due to the pendency of the criminal case he is suffering. He is entitled to the post retiral benefits. He pleads that employee employer relationship has been severed, therefore, he is entitled to consequential benefits.

The writ petition is **disposed of** alongwith all connected MPs in the following manner:-

Petitioner shall make a representation before the respondents-competent authority and the competent authority is directed to decide it on merits within a period of four weeks from the date copy of this order is served on them and communicate the same to the petitioner.

(Ramalingam Sudhakar)
Judge

SRINAGAR
27.04.2017
Sarveda