

S.No. 03
Suppl. List.

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

SWP No. 2448/2018

IA No. 01/2018

Date of order: 30.11.2018

Abdul Rehman Shah

Vs.

State of J&K and others

Coram:

Hon'ble Mr. Justice Tashi Rabstan-Judge

Appearance:

For the petitioner(s) : Mr. Arshid Pervaiz Malik, Advocate

For the respondent(s) : Mr. Sandeep Gupta, CGSC for R-5.

1. In this petition, the petitioner is seeking direction to the respondents to fix and release the pension in his favour in the grade of Rs.13650+G.P.=2800 instead of 10960+G.P.=1900 and also to release the arrears of the pension; with a further direction to the respondents to release the amount of gratuity to the tune of Rs.1,86,375/- which has been wrongly withheld by the respondents; with a further direction to the respondents to extend the benefit of the 7th Pay Commission with effect from 01.01.2016 till the date of his retirement, i.e., 30.04.2018 and also to release the arrears by fixing the proper pension after extending the benefit of 7th Pay Commission to the

petitioner; with a further direction to the respondents to give the benefit of SRO 59 of 1990 read with Govt. Order No.78-PDD of 1995 and Govt. Order No.78-PDD of 1995 and Govt. Order No.278-PDD of 1996 whereby the rationalization of cadre as well as up-gradation of the pay scale has been given to the petitioner and with a further direction to the respondents to re-fix the pension in terms of SRO 59 of 1990 read with Govt. Order No.78-PDD of 1995 and Govt. Order No.278-PDD of 1996 along with all consequential and monetary benefits on the grounds taken in it.

2. When the matter was taken up today, learned counsel for the petitioner has placed reliance on a judgment of this Court passed in writ petition **SWP No. 2973/2014** in case titled **Budhi Singh v. State and others** wherein this Court directed the respondents to release the balance amount of gratuity in favour of the petitioner after fixing the pension of the petitioner. Thus, he submits that the case of the petitioner is fully covered under the aforesaid judgments and prays that the petitioner would feel satisfied in case this petition is disposed of at the threshold stage directing the respondents to accord consideration to the claim of the petitioner in terms of the judgment dated 23.11.2017 passed by this Court in **SWP No. 2973/2014** titled **Budhi Singh V. State and others** within certain timeframe to

which other side has no objection to consider under rules.
Their statements are taken on record.

3. In view of the aforesaid submissions and in the facts of the case, the writ petition is disposed of with a direction to respondents to consider the claim of the petitioner as projected in the writ petition and having regard to judgment dated 23.11.2017 passed by this Court in **SWP No. 2973/2014** titled **Budhi Singh V. State and others**, provided the said judgment is applicable to the case in hand, of course, under rules by passing a speaking order within a period of six weeks from the date certified copy of this order and judgment aforesaid is served upon the respondents.
4. With the aforesaid directions, the writ petition along with connected IA stands **disposed** of.

(Tashi Rabstan)
Judge

Jammu
20.11.2018
'Madan'