

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

WP (C) No. 1954/2023

Abdul Hamid Sheikh (60 Years),
S/O Mohammad Yousuf Sheikh
R/O Vilagam Ramhal, Handwara,
District Kupwara.

... Petitioner(s)

Through: -

Mr Shabir Ahmad Shah, Advocate vice
Mr Sheikh Manzoor, Advocate

V/S

- 1. UT of Jammu & Kashmir,**
Through its Chief Secretary,
Civil Secretariat, Srinagar/ Jammu.
- 2. Jammu & Kashmir Forest Development Corporation Ltd.,**
Through its Managing Director, Silk Factory Road,
Rajbagh, Srinagar.
- 3. Chief General Manager (P&P),**
Forest Development Corporation,
Srinagar.
- 4. General Manager (North),**
Circle Sopore, Baramulla.
- 5. Divisional Manager,**
Extraction Division,
Zangil, Kupwara.
- 6. Mr Bilal Ahmad Mir,**
Divisional Manager,
Extraction Division,
Zangali, Kupwara.

... Respondent(s)

Through: -

Ms Nadiya Abdullah, Assisting Counsel vice
Mr Mohsin-ul-Showkat Qadri, Sr. AAG for R-1 to 5; and
Mr Gulzar Ahmad Bhat, Advocate with
Ms Maria, Advocate for R-6.

Clubbed With:

(i) WP (C) No. 90/2021:

Abdul Hamid Sheikh (58 Years),
S/O Mohammad Yousuf Sheikh
R/O Vilagam Ramhal, Handwara,
District Kupwara.

... Petitioner(s)

Through: -

Mr Shabir Ahmad Shah, Advocate vice
Mr Sheikh Manzoor, Advocate

V/S

- 1. J&K Forest Development Corporation (FC),**
Through its Managing Director,
Silk Factory Road, Rajbagh, Srinagar.
- 2. General Manager (North),**
J&K Forest Development Corporation,
Sopore, Baramulla.
- 3. Mr Bilal Ahmad Mir,**
Divisional Manager FDC,
Extraction Division,
Zangali, Kupwara.

... Respondent(s)

Through: -

Ms Nadiya Abdullah, Assisting Counsel vice
Mr Mohsin-ul-Showkat Qadri, Sr. AAG for R-1 to 2; and
Mr Gulzar Ahmad Bhat, Advocate with
Ms Maria, Advocate for R-3.

(ii) CCP (S) No. 420/2024 in WP (C) No. 1954/2023:

Abdul Hamid Sheikh (60 Years),
S/O Mohammad Yousuf Sheikh
R/O Vilagam Ramhal, Handwara,
District Kupwara.

... Petitioner(s)

Through: -

Mr Shabir Ahmad Shah, Advocate vice
Mr Sheikh Manzoor, Advocate

V/S

- 1. Chaturbhujja Behera (IFS),** Managing Director,
Jammu & Kashmir Forest Development Corporation Ltd.,
Silk Factory Road, Rajbagh, Srinagar.

2. Mohammad Rafiq Khan,
Chief General Manager (P&P),
Forest Development Corporation,
Srinagar.
3. Mohammad Hafeez Mir,
General Manager (North),
Circle Sopore, Baramulla.
4. Bilal Ahmad Mir,
Divisional Manager,
Extraction Division,
Zangali, Kupwara.

... Respondent(s)

Through: -

Ms Nadiya Abdullah, Assisting Counsel vice
Mr Mohsin-ul-Showkat Qadri, Sr. AAG for R-1 to 3; and
Mr Gulzar Ahmad Bhat, Advocate with
Ms Maria, Advocate for R-4.

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

15.09.2026

WP (C) No. 1954/2023:

01. The Petitioner, through the medium of this Petition filed under Article 226 of the Constitution of India, while pleading that he, as an employee of the Respondent-Forest Development Corporation, after rendering more than 25 years of unblemished service, attained superannuation on 31st of March, 2022, has challenged JKFDCL Order No. 20 of 2023 dated 14th of January, 2023, whereby an amount of ₹94,958/- was ordered to be recovered from his retiral benefits, seeking quashing of the said Order, directing the Respondents to expunge the adverse entries made in his service book with red ink by the Respondent No.6, to command them to release the annual increments of the Petitioner and time bound promotion, including the arrears of salary and retiral benefits accrued in his favour.

02. Pursuant to notice having been issued, the Respondents No. 1 to 6 filed Objections to the Petition, pleading therein that a Committee constituted by the office of Divisional Manager, Ext. Division, Zangli, vide Order No. 2204/DM/FDC/Z dated 16th of March, 2021, for physical

verification of various CTSDs depots, reported that there was a shortfall in Manzgam Sawn, Tarthpora, Dalhama and Cillgam CTSDs; that the Petitioner (Field Worker) remained on various posts, but from 2016 to 11th of March, 2020 was working as Incharge CTSDs and also Incharge Range Clerk of Sale Range Magam and Kehmil, during which period shortfall was found against the said official; that on the verbal directions of the then Managing Director, FDCL, during a review meeting held at head office Srinagar, the Petitioner was transferred from Sales Range to Ext. Range North, Lolab vide Order dated 11th of May, 2022; that the Divisional Manager, Zangli directed the Petitioner to report to his new place of posting at an earliest through various communications/ notices, but the Petitioner did not join the new place of posting and remained absent from duty for a long time, as was reported by Range Officer Sales, Kehmil and Ext. Range North Lolab; that the Petitioner did not handover the charge of CTSDs to his successor from 11th of May, 2020 to 20th of February, 2021, as a result, in those 10 months, the sale proceedings suffered badly in Sales Range Kehmil and the Petitioner behaved against the interests of the Corporation.

03. It has been further pleaded that the Petitioner approached this Court by way of a Writ Petition [WP (C) No. 1081/2020] and the Court disposed of the said Writ Petition with a direction to the Respondent No.3 to consider the representation, if any, made by the Petitioner against his order of transfer, within a period of one month from the date of receipt of the Order; that due to absence of the Petitioner from duty w.e.f. 11th of May, 2020 to 13th of January, 2021, when his whereabouts were also not known, his salary was not disbursed for the period he remained absent from duty; that the Managing Director, taking cognizance of the matter, transferred the Petitioner vide Order dated 11th of February, 2021, directing him to report to Ext. Range North, Lolab, with a direction to the Divisional Manager, Zangli to release the withheld salary of the official only after he joins the new place of posting; that, in compliance to the said transfer Order, the Petitioner joined in Ext. Range North, Lolab on 14th of January, 2021, i.e., after a lapse of eight months, and his salary was released as directed by Managing Director, FDCL.

04. It has been alleged that concealing the fact that he had earlier filed WP (C) No. 90/2021 with the prayer to release the withheld salary before this Court, which was still pending for final disposal, the Petitioner filed another Writ Petition before this Court with the same cause of action; that in the meanwhile, it was ordered that there was shortfall of 15 logs, i.e., 226.88 cfts DKF, against the Petitioner which cost to ₹94,958/- at AAY rates applicable to CTSDs, which is recoverable from him against the shortfall of timber in various CTSDs under his control; that the Petitioner retired from service upon reaching the age of superannuation on 31st of March, 2022 and the retiral benefits were pending for some time in the office of the concerned Division due to non-availability of NDCs from various postings held by the Petitioner during his active service and he had concealed the fact that, after receiving NDCs from postings, including Sales Range Kehmi, the leave salary and gratuity case of the Petitioner was submitted by the concerned Division vide Office No. 1181/DM/FDC/Z dated 30th of June, 2022, to the concerned quarters for further necessary action.

05. It is next stated by the Respondents that, on the representation moved by the Petitioner against the action initiated by the concerned Divisional Manager for forfeiting of annual increments and the entries in the service book of the Petitioner, the authorities issued Order No. 20 of 2023 dated 14th of January, 2023, to the following effect:

“1. To release withheld increments in favour of the ex-official for the year 2020 and 2021 which has been unauthorized forfeited by Divisional Manager Zangli by exercising power beyond his competence and these entries made in the service book are treated as expunged;

2. The Divisional Manager shall process the case of the ex-official for payment of retiral benefits/ dues accruing after retirement; and

3. To recover the cost of shortfall of 15 logs=226.88 cfts of DKF timber amounting to ₹94,958/- at AAY rates applicable in CTSDs from dues accruing after retirement.”

06. It has been pleaded that the case of the Petitioner was settled in respect of Gratuity and Leave Salary to the tune of ₹10,25,302/- sanctioned vide JKFDCL Order No. 116 of 2023 dated 25th of March, 2023 and same

was released in his favour, besides an amount of ₹94,958/- was ordered to be recovered against the shortfall of 15 logs established by the concerned Division from the Petitioner.

07. The Respondent No.6, in his affidavit, in compliance of the directions of this Court, vide Order dated 4th of August, 2023 read with Order dated 10th of October, 2025, stated that the matter which has been agitated by the Petitioner in his Writ Petition has been already settled by the competent authority by virtue of JKFDCL Order No. 20 of 2023 dated 14th of January, 2023; that the amounts due to the Petitioner have been released in favour of the Petitioner and the adverse entries have been expunged from the service book of the Petitioner; that the Petitioner had not approached the Court with clean hands, inasmuch as, he had filed the present Writ Petition in concealment of the material fact as regards filing of WP (C) No. 90/2021 and had wrongly pleaded in this Petition, at Paragraph No.17, that he had not filed any other Writ Petition on the same cause of action, as such, he had deliberately and intentionally suppressed the facts before this Court; that the Petitioner retired from service upon reaching the age of superannuation on 31st of March, 2022 and his retiral benefits were withheld awaiting No Demand Certificates/ No Objection Certificates from various postings held by the Petitioner during his active service and, as soon as the formalities were completed, the Petitioner's case was settled in respect of gratuity and leave salary which were sanctioned vide JKFDCL Order No. 116 of 2023 dated 25th of March, 2023 and released in favour of the Petitioner.

08. Learned Counsel appearing for the Respondents submits that on consideration of the matter by the Respondents, the competent authority had released the withheld increments of the Petitioner for the years 2020 and 2021, which had been unauthorizedly forfeited by the Divisional Manager, Zangli by exercising power beyond his competence, the adverse entries made in his Service Book were also treated as expunged and the Divisional Manager was directed to process the case of the Petitioner for payment of retiral benefits/ dues accruing after retirement, subject to the

recovery of an amount of ₹94,958/- as cost of shortfall of 15 logs from the retirement dues accrued to the Petitioner.

09. Heard and considered.

10. On consideration of Order No. 20 of 2023 dated 14th of January, 2023 passed by the Respondents, it is clear that the pleas raised by the Petitioner in his Petition have been addressed as the adverse remarks were expunged from his service record and the retiral benefits were ordered to be released in his favour, including the withheld increments and arrears thereof.

11. Insofar as the recovery of the amount is concerned, it is apparent from the record produced by the Respondents that the Respondent-Corporation had suffered a loss to the tune of ₹94,958/- for shortfall of 15 logs and the Petitioner has not placed on record anything in support of his contention that this loss suffered by the Corporation was not, in any manner, attributable to him, when he was controlling the concerned CTSDs, during the relevant period of shortfall.

12. Viewed thus, the grievances projected by the Petitioner in this Petition have been redressed, as such, the present Petition is **disposed** of at this stage holding that the reliefs sought with regard to release of withheld increments and the retiral benefits have been granted. It is further held that there is no reason to warrant any interference with regard to the recovery of the amount of ₹94,958/- from the Petitioner, which is also stated to have been recovered from his retiral benefits/ arrears.

13. Writ Petition is, thus, **disposed** of on the above terms, along with CM(s) pending therewith.

WP (C) No. 90/2021:

14. In this Petition, the Petitioner had sought a direction upon the Respondents to release the withheld salary of the Petitioner forthwith and allow him to perform his duties as Field Worker in the Office of Divisional Manager, Zangli, Kupwara. Besides, the Petitioner also seeks direction upon Respondents No. 1 and 2 to proceed against Respondent No.3 by

conducting a departmental enquiry for misappropriation and embezzlement of funds in the Corporation.

15. Having regard to the fact that the Petitioner has since retired from service on reaching the age of superannuation, coupled with the decision rendered in the subsequent Petition filed by the Petitioner, being WP (C) No. 1954/2023, as aforesaid, this Petition has been rendered *infructuous* and shall stand **disposed** of accordingly, along with any CM(s) pending therewith.

CCP (S) No. 420/2024:

16. Through the medium of this Contempt Petition, the Petitioner alleges violation of interim Order dated 4th of August, 2023 passed in WP (C) No. 1954/2023.

17. Since, the Writ Petition, out of which the aforesaid interim Order emanates, has been finally disposed of, therefore, no further proceedings are required to be conducted in this Contempt Petition.

18. Viewed thus, this Contempt Petition, not warranting any further proceedings and the Order sought to be implemented having been complied with, has been rendered *infructuous*. Accordingly, the proceedings are dropped and the Contempt Petition is **closed**.

19. Registry to place a copy of this Order on all the three connected files.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR

September 15th, 2026

"TAHIR"