



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

OWP 408/2008

IQBAL KAUR BALI

...Petitioner/Appellant(s)

Through: Mr. Luqman S. Dar, Advocate

Vs.

STATE OF JK & ORS

...Respondent(s)

Through: Ms Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (oral)

07.05.2026

Per Sanjeev Kumar-J:

1. This petition was originally filed by Mr. S.S. Bali seeking to challenge the report of the Jammu & Kashmir Accountability Commission, Srinagar [“the Commission”] in Complaint No. Regd-45/2005 titled “*Peoples Welfare Society Vs. Shri S.S. Bali and Another*”, whereby the Commission has recommended to the Government/the Competent Authority the forfeiture of pension of the petitioner-Mr. S.S. Bali.
2. Mr. S.S. Bali has died during the pendency of this petition and is substituted by his wife, namely Ms. Iqbal Kaur Bali.
3. The impugned report has been challenged on various grounds. However, before we advert to the grounds of challenge, we deem it appropriate to give brief factual background which led to the filing of this petition.
4. The Peoples Welfare Society, through one Shri G.M. Bhat, filed a complaint against Shri. S. S. Bali, the then Project Chief, and Ms. Sofiya Tabasum, the then Divisional Publicity Officer working in the Integrated Watershed Development Project (IWDP). As a whistleblower, he raised various issues regarding the acts and



omissions committed by the late husband of the petitioner, Mr. Bali, and Mst. Sofiya Tabasum. There were allegations that late S.S. Bali has indulged in illegal appointments in the first phase of the project. There was also an allegation regarding the illegal appointment of Mst. Sofiya Tabasum as the Divisional Publicity Officer etc. etc.

5. The complaint was examined by the Commission and through a detailed analysis of the material on record, it came to the conclusion that the allegations made against late S.S. Bali were proved. Accordingly, vide impugned report dated 6th May, 2008, a recommendation was made to the Competent Authority for forfeiture of the pension of late S.S. Bali. It is this report which was called in question by late S.S. Bali in this petition.
6. Vide interim order dated 20th May, 2008, the impugned report of the Commission, to the extent it relates to forfeiture of pensionary benefits, was stayed. While the matter was pending consideration before this Court, the erstwhile State of Jammu and Kashmir came to be divided into two Union Territories, namely, the Union Territory of Jammu & Kashmir; and the Union Territory of Ladakh. This was done by virtue of the Jammu and Kashmir Reorganization Act, 2019. Apart from others, the Jammu and Kashmir Accountability Commission Act, 2002, also came to be repealed. Ever since, there is no Accountability Commission in existence.
7. We have gone through the impugned report and the recommendations made by the Accountability Commission. We are of the view that the recommendation with regard to forfeiture of the pension made to the Competent Authority was not within the competence of the then Accountability Commission. The Accountability Commission was in the nature of fact finding body and was conferred with the power to



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recommend to the Competent Authority the manner in which the injustice or hardship caused to the complainant by the public functionary was to be remedied or redressed, rest it was to be left to the Competent Authority to determine. Otherwise also, as per the procedure prescribed under Section 21 of the Jammu and Kashmir Accountability Commission Act, 2002, once the report was received by the Competent Authority, the Competent Authority was under an obligation to convey to the Accountability Commission the action which it proposed to take on the basis of report submitted by the Commission.

8. Viewed thus, it would not be possible at this stage to give effect to the recommendations made by the Commission, for the reason that the proposed action to be taken by the Competent Authority cannot be conveyed to the non-existent Commission.
9. Viewed from any angle, the report, in particular, the recommendations made is not sustainable in law. That apart, for the reasons we have stated above, the report/recommendations made by the Commission impugned in this petition, are rendered infructuous and incapable of being implemented at this stage.
10. For all the aforesaid reasons, the present petition is allowed and the report of the Commission is set aside.

11. Disposed of.

**(SANJAY PARIHAR)
JUDGE**

**(SANJEEV KUMAR)
JUDGE**

SRINAGAR:

07.05.2026

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Whether approved for reporting? Yes/No