



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Th. Virtual Mode)**

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CJ Court

Case :CM No. 1728/2026 in
LPA No. 53/2026

U. T. of J&K and others Appellant/Petitioner(s)

Through: Mr. Ilyas Nazir Laway, GA

vs

Mirzada Javaid Ahmad Respondent(s)

Through: Mr. M. A. Beigh, Adv.

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER
05.05.2026

CM No. 1728/2026

1. This is an application seeking condonation of delay of 137 days in filing the *intra court* appeal against the judgment dated 16.09.2025 rendered by the learned Writ Court.
2. Notice, waived by Mr. M. A. Beigh, learned counsel representing respondent. He submits that he has no objection to the condonation of delay in filing the accompanying appeal.
3. In view of the submission made and for the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 137 days in filing the appeal is condoned.
4. Application stands disposed of.
5. Main Appeal is taken on board.

**LPA No. 53/2026**

1. Appellants have preferred this intra-court appeal against the judgment dated 16.09.2025 rendered in WP(C) No. 2261/2024, whereby the learned Writ Court has directed the appellants to release all retiral benefits and arrears to the respondent within three months. Failure to comply with the judgment within the aforesaid period renders the appellants liable to pay interest @ 7% per annum from the due date until the actual date of payment.
2. Learned counsel for the respondent submits that the controversy involved in the present appeal is identical to that in “**Gulzar Ahmad Khan vs. U.T. of J&K and others**” [WP(C) No. 3342/2023]. He further states that the judgment in the said writ petition was upheld with certain modifications by this Court vide judgment dated 29.01.2026 in **LPA No. 306/2025**, titled “**U.T. of J&K and others vs. Gulzar Ahmad Khan and others**”.
3. Learned counsel for the appellants has not disputed the submissions made by the learned counsel appearing for the respondent.
4. A perusal of the record reveals that the appellants are objecting to the respondent’s claim for pensionary benefits on the grounds that his initial appointment was contrary to law and was the subject of an investigation in FIR No. 19/2021, registered by the Police Station Crime Branch, Kashmir.
5. Having perused the judgment rendered in **LPA No. 306/2025 (supra)**, it is evident that similar pleas/arguments were previously considered and discarded by this Court. In **LPA No. 306/2025**, same FIR was cited as an impediment to the grant of pensionary benefits.



6. In view of what has been considered, discussed and analyzed hereinabove, we dispose of the instant appeal by modifying the judgment dated 16.9.2025 rendered by the learned Writ Court in **WP(C) No. 2261/2024**, titled **“Mirzada Javid Ahmad vs. Union Territory of J&K and others”** to the extent that in the event, the appellants fail to comply with the direction issued by the learned Writ Court within three months from today, the respondent shall be entitled to interest on all retiral benefits and arrears thereof at the rate of 6% per annum. Such interest shall be calculated from the date, the respondent first became entitled to these benefits until the date of actual payment.
7. Disposed of along with connected applications.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU:
05.05.2026
Rakesh PS

Whether the judgment is speaking:	Yes/No
Whether the judgment is reportable:	Yes/No