

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1221/2026 CM(3215/2026).

SYED TARIQ AHMAD ANDRABI.

...Petitioner(s)

Through: Mr. Syed Sajad Geelani, Advocate.

VERSUS

JAMMU AND KASHMIR BANK LTD TH.ITS MD AND OTHERS.

...Respondent(s)

Through: Mr. Rabinder Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
29.05.2026

01. Heard learned counsel for the petitioner at length and perused the record.
02. It is the specific case of the petitioner that, while in service, he stood as a guarantor for private respondent No. 5, who had availed a car loan from the respondent-Bank for the purchase of a vehicle, namely **Venue**, bearing Registration No. **JK01AP-2007**, which was hypothecated with the Bank.
03. The petitioner has since retired and is dependent upon his monthly pension, through which he is able to sustain himself as well as his family. Since respondent No. 5 has failed to adhere to the scheduled payment of EMIs under the car loan arrangement and has become a defaulter with the Bank, the respondent-Bank, instead of approaching the principal borrower, has started deducting the amount from the

petitioner's pension account towards the unpaid instalments of the car loan.

04. It has been urged by learned counsel for the petitioner that the action of the respondent-Bank is illegal, as it violates the petitioner's fundamental rights by deducting amounts from the petitioner's pension account, which is contrary to the Pension Act as well as the law laid down by the Hon'ble Apex Court and this High Court in a catena of judgments, wherein it has been held that deductions cannot be made from pensionary benefits.
05. Learned counsel for the petitioner has placed reliance upon the judgment/order passed by this Court in CM(M) No. 156/2022, wherein the Court upheld the order passed by the Appellate Court in the light of the binding judicial precedents governing pension protection, aimed at safeguarding the financial dignity of retired individuals in similar facts and circumstances. According to learned counsel for the petitioner, the ratio of the said judgment is applicable to the case in hand.
06. Issue notice to the respondents, which is waived by Mr. Rabinder Singh, learned counsel appearing on behalf of the respondent-Bank.
07. Petitioner to take steps for service upon respondent No. 5.
08. Learned counsel for the petitioner assures this Court that respondent No. 5 shall be produced on the next date of hearing so that the loan amount is liquidated at the earliest and the petitioner is absolved of the said debt.

09. Dasti service is also permitted.

10. In the light of the assurance extended and the averments pleaded in the instant writ petition, coupled with the law laid down by this Court as well as by the Hon'ble Apex Court in a catena of judgments, a *prima facie* case for indulgence is made out.

11. In the meantime, subject to objections from the other side and till the next date of hearing before the Bench, the respondents are restrained from making any deduction from the pension account of the petitioner.

12. Alteration/vacation/modification on motion.

13. List on 29th July, 2026.

(WASIM SADIQ NARGAL)

JUDGE

SRINAGAR
29.05.2026
Bisma Jan.

