

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

CCP(S) No. 392/2024

Mohammad Hussain Bhat.

...Petitioner(s)/Appellant(s)

Through: Mr. B. A. Misri, Advocate.

Vs

J.P.N. Singh and Accountant Gen.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
16.10.2024

1. One Mst. Parveena Akhter was elder sister of the petitioner.
2. Mst. Parveena Akhter was unmarried and in Government Service serving as Principal Government Girls Higher Secondary School Kakpora, Pulwama when she died in harness on 11-3-2011.
3. Mst. Parveena Akhtar's sister Shahida Akhtar, herself being unmarried, applied for family pension settlement in her favour by purported reference to J&K Family Pension cum-Gratuity Rules 1964.
4. The said claim of Mst. Shahida Akhtar is said to have taken 12 years before finally getting sanctioned but by that time Mst. Shahida Akhtar had demised on 08.08.2021.
5. Release of benefit in terms of family pension and lifetime arrears is said to have been released in favour of the petitioner in July, 2023 as being legal heir subject to production of legal heir certificate and amount stood released to the petitioner.
6. The petitioner came to be called upon to refund said amount of Rs. 35,79,279 by the office of Pr. Accountant by the petitioner.

7. The refund was solicited from the petitioner on the ground that case is to be reviewed by the Principal Accountant General (A&E) J&K Srinagar but despite lapse of time no review having so taken place, the petitioner came to file writ petition WP(C) No. 1288/2024 which came to be disposed of vide an order/judgment dated 20-6-2024 read with an order dated 22.07.2024 directing the writ respondents to carry out decision making in terms of review contemplated within a period of 2 months from the date of service of copy of orders above referred and writ petition served upon the writ respondents.
8. The writ petition-WP(C) No. 1288/2024 came to be disposed of by this Court in presence of the writ respondents directing the writ respondents to consider and review the order by referring to the assurance in letter No. DAG/Pen/Sectt/2023-24/38 dated nil and to pass a speaking order thereupon.
9. The petitioner is coming up with present contempt petition against the contemnors herein namely J.P.N. Singh and Aijaz Ahmad Khan for non-compliance of said writ court order.
10. Issue notice.
11. Petitioner to submit the registered postal covers within a period of seven days for effecting service upon the respondents.
12. List on 20th November, 2024.

(RAHUL BHARTI)
JUDGE

SRINAGAR
16.10.2024
"Abdul Rashid"