

Serial No. 82  
Regular List

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

**WP(C) No. 1234/2026  
CM No. 2704/2026**

**Mohd. Bashir**

.....Petitioner

Through: Mr. Mazhar Ali Khan, Advocate

**Vs**

**Union of India & Ors.**

.....Respondents

Through: Mr. Sumant Sudan, Assisting Counsel to  
Mr. Vishal Sharma, DSGI

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**(04.05.2026)**

- 01.** By virtue of a writ petition **SWP No. 392/2001**, the petitioner herein, who had suffered dismissal from service as Constable in Central Reserve Police Force-(CRPF) effected by virtue of a dismissal order dated **08.10.1999**, came to earn a verdict in his favour in terms of judgment **dated 02.12.2009** with a direction to the writ respondents to re-instate the petitioner and proceed afresh into the matter after providing sufficient opportunity to the petitioner to produce evidence in his defence for which he was proceeded departmentally and dismissed in the **year 1999**.
- 02.** The writ Court's judgment dated **02.12.2009** was challenged in a **Letters Patent Appeal No. 32/2010** by the **Union of India and others** which came to be finally disposed of in terms of judgment dated **26.07.2018**

rejecting the Letters Patent Appeal and upholding the Single Bench's Judgment.

03. Consequently, the disciplinary inquiry came to be initiated which resulted in proceedings getting concluded in terms of an order dated **13.04.2022** wherein it came to be held that the petitioner be penalized with **30%** cut in his monthly pension on permanent basis and further to release his gratuity, if not released.
04. Post imposition of aforesaid penalty, the status of the petitioner for his period of absence of **305 days** was reckoned to be '**Dies-Non**' from **28.10.1998 to 28.08.1999** and the same was to be condoned for the sake of settlement of his pension as is gatherable from office order dated **04.10.2025**.
05. The petitioner comes up with a grievance that his pension is not being settled and sanctioned in accordance with the aforesaid aspect of his service and therefore, is seeking a writ of mandamus unto the respondents for release and disbursement of his pensionary benefits and also for arrears of pension **w.e.f. June, 2022**.
06. Issue notice to the respondents in the main petition and in the **CM No. 2704/2026** as well.
07. Notice on behalf of the respondents is waived by Mr. Sumant Sudan, learned assisting counsel to Mr. Vishal Sharma, learned DSGI.
08. This Court suspends the issuance of notice to the respondent No. 5, for the time being.
09. Reply to the writ petition be filed within a period of six weeks.

10. List on **29.06.2026**.
11. This Court makes it clear that pendency of the writ petition be not reckoned by the respondents as disabling factor for them to undertake an exercise at their respective end for dealing with the grievance of the petitioner in relation to settlement of his pension case as that can be without prejudice to the stand of the respondents to be taken in the writ petition.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**04.05.2026**  
**SUNIL**

