



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

.....

CJ Court

**LPA No.77/2022
CM (4643/2022)**

- 1. Indar Krishan Raina, aged 66 years
S/O Late Shri Shyam Lal Raina,
R/O Flat No.16, SBI Officers' Flats
Rajinder Nagar Phase-I,
Bantalab, Jammu.**
- 2. Verander Kumar Koul, aged 64 years
S/O Late Shri Prithi Nath Koul,
R/O Flat No.13, SBI Officers' Flats
Rajinder Nagar Phase-I,
Bantalab, Jammu.**
- 3. Kanwal Kishen Koul, aged 65 years
S/O Sh. Sundri Dass Koul
R/O Flat No.7, SBI Officers' Flats
Rajinder Nagar Phase-I,
Bantalab, Jammu.**

..... Appellant(s)

Through: Mr. Sunil Sethi, Sr Adv. with
Mr. Vishal Mahajan, Adv.

Versus

- 1. Union of India through
its Secretary,
Ministry of Finance,
New Delhi.**
- 2. State Bank of India,
Corporate Office,
Madam Cama Road, Mumbai
Through its Chairman-cum-Managing Director.**



3. **Deputy General Manager,
State Bank of India,
Administrative Office,
Rail Head Complex, Jammu**
4. **Manager,
State Bank of India,
HNI, Jammu**
5. **Manager,
State Bank of India,
Janipur, Jammu**
6. **Manager,
State Bank of India,
Talab Tillo, Jammu.**

.....Respondent(s)

Through: Mr. Sumit Bhatia, GA

CORAM:

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

**ORDER
24.09.2025**

1. The appellants-writ petitioners had filed the writ petition bearing WP(C) No. 1745/2018 for declaring the action of the respondent Nos. 2 to 6 in debiting the rent at the commercial rates from the pension accounts of the appellants-writ petitioners and putting lien on their pension accounts on account of retention of flats allotted to them even after their retirement from service and for commanding the respondents to allow them to occupy the flats allotted to them by the respondents till the appropriate policy for allotment of residential accommodation to Kashmiri migrants is framed; and further to refund



the commercial rent deducted/debited from the pension accounts of the appellants.

2. The writ petition came to be dismissed by the learned writ Court in terms of judgment dated 03.06.2022 with a direction to the appellants-writ petitioners to vacate and handover the possession of the flats to the respondents within thirty days.
3. Aggrieved of the judgment dated 03.06.2022 passed by the learned writ Court, this intra court appeal has been preferred by the appellants-writ petitioners on various grounds including the one that the learned writ Court has not considered their main relief/prayer with respect to debiting the rent at the commercial rates from the pension accounts of the appellants-writ petitioners and putting illegal and arbitrary lien on the pension accounts of the appellants.
4. Vide order dated 27.10.2022, notice was issued to the respondents in this appeal only to the extent of recovery of rent from the appellants-writ petitioners.
5. The respondents came up with the response stating therein that learned writ Court has considered the issue in respect of charging the commercial rent in paras 8 and 9 of the judgment. Further, the respondents have placed on record various communications including the communication dated 09.04.2018 containing therein the details of the commercial rent recoverable from the employees. The record



further depicts that the appellant Nos.1 and 2 vacated the flats in June 2022, whereas the appellant No.3 vacated the flat in October 2018.

6. During the course of the hearing, learned Senior counsel representing the appellants-writ petitioners and the learned counsel representing the respondents have reached a consensus that this appeal be disposed of by directing the Bank Authorities-respondents- 2 and 3 to consider the grievance of the appellants-writ petitioners in respect of charging commercial rent for the period the appellants-writ petitioners overstayed in the flats allotted to them after their superannuation and pass appropriate orders in accordance with law/rules.
7. In view of above, the present appeal is disposed of by directing the appellants-writ petitioners to make a detailed representation before the respondent Nos. 2 and 3 within a period of one month from today and, thereafter, the respondent Nos. 2 and 3 shall pass appropriate orders in respect of the amount of rent payable by the appellants-writ petitioners for the period they have overstayed in the flats allotted to them on account of their service. The decision so arrived at by the respondents Nos. 2 and 3 shall be conveyed to the appellants-writ petitioners in writing and the appellants-writ petitioners, if so aggrieved of the decision, may avail appropriate remedy as available under law. The amount so recovered by the respondents shall, however, be retained by the respondents and no further recovery be affected till the representation is decided. In the event, no such



representation is filed, the respondents shall be at liberty to proceed in accordance with law/rules.

8. Disposed of as above along with connected CM(s), if any,

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
24.09.2025
Madan Verma-Secy

Whether order is speaking?	Yes.
Whether order is reportable?	No.

