

Serial No. 10  
Regular List

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

**Pronounced on : 06.05.2026**  
**Uploaded on : 13.05.2026**

**WP(C) No. 2723/2024**

**Aman Singh & Anr.**

.....Petitioners

Through: Mr. Anuj Dewan Raina, Advocate

**Vs**

**UT of J&K & Ors.**

.....Respondents

Through: Mr. Mayank Gupta, Standing Counsel for  
R-2

Ms. Nazia Fazal, Assisting Counsel to  
Mrs. Monika Kohli, Sr. AAG for R-3 & 4

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

**ORDER**

**(06.05.2026)**

- 01.** Two (2) employees of Jammu Municipal Corporation, namely, Subash Chander and Mulkh Raj had come to petition this Court with their respective writ petitions **SWP No. 1715/2018** and **SWP No. 1717/2018** being aggrieved of an objection raised from the end of the Office of Local Fund Audit & Pensions, Jammu with respect to settlement of the pension and retiral benefit case of the said two persons.

- 02.** The issue relatable to the objection of the Office of Local Fund Audit & Pensions, Jammu was emanating from the fact of some benefits granted in favour of said two persons by reference to **SRO-59 of 1990 dated 06.02.1990** which was reckoned to be not admissible to them and therefore, the settlement of pension and payment of gratuity was withheld till recovery of the pecuniary benefit availed under **SRO-59 of 1990 dated 06.02.1990** was recovered from said two officials.
- 03.** This Court, in terms of judgment dated **02.05.2025**, came to the rescue of said two officials by quashing the objection so raised with respect to their entitlement and directed the writ respondents to release the entire retiral benefits in favour of the said two officials along with interest @ **7.5 %** from the date of withholding of the said retiral benefits till actual payment.
- 04.** The judgment/order dated **02.05.2025** of the writ Court came to be challenged in a **letters patent appeal No. 284/2025** which met the fate of dismissal thereby confirming the direction given by the writ Court in terms of its order dated **02.05.2025**.

**05.** The present case of the petitioners is **spitting image** of **SWP No. 1715/2018** and **SWP No. 1717/2018** of the aforesaid two officials even to the extent that the petitioners herein are also ex-employees of Jammu Municipal Corporation having superannuated from the services but getting confronted with the objection relating to the availed benefits of **SRO-59 of 1990 dated 06.02.1990.**

**06.** The petitioners came forward with the present writ petition instituted on **12.11.2024** asking for the following prayer :-

**“i. Allow the writ petition of the petitioners.**

**ii. Issue a writ in the nature of Certiorari quashing the Communication impugned communication bearing No. JMC/Estt/s/655 dated 10.01.2024 well as pension payment order (PPO) dated 16.05.2024 addressed by respondent No. 4 to the extent whereby it has been communicated that an amount of Rs. 8,47,044/- has withheld and recovered from the pension amount including the gratuity of the petitioner No. 1.**

iii. Issue writ in the nature of *Certiorari* quashing the Communication impugned communication bearing No. bearing Nos. JMC/Estt/s/654 dated 10.01.2024 well as the pension payment order (PPO) dated 16.05.2024 addressed by the respondent No. 4 whereby it has been communicated that an amount of Rs. 8,47,044/- has withheld and recovered from the pension amount including the gratuity of the petitioner No. 2.

iv. Issue writ in the nature of *Mandamus* commanding the respondents to release the gratuity withheld in respect of both the petitioners for each amounting to Rs. 8,47,044/- in favour of each of the petitioner along with interest at rate of 12% per annum from the date the same was wrongly withheld and not paid to the petitioners.

v. Issue writ in the nature of *Mandamus* commanding the respondent authorities to settle and re fix the pension of the petitioners by paying the pensionary benefits on the basis of the last pay drawn by the

**petitioners after extending the benefits payable to the petitioners.**

**Pass such other appropriate order as the facts of the case demand and this Hon'ble Court may deem just and proper in favour of the applicant."**

**07.** The end situation of the present case cannot be different to that of **SWP No. 1715/2018** and **SWP No. 1717/2018** in terms of the judgment/order dated **02.05.2025** confirmed in **LPA No. 284/2025** and therefore, this writ petition, notwithstanding non-filing of the objections/reply by the respondent No. 4, is hereby **disposed of** by being allowed in favour of the petitioners by quashing the impugned **communication bearing No. JMC/Estt/s/655** dated **10.01.2024** as well as the **pension payment order (PPO) dated 16.05.2024**. As a consequence, the writ respondents herein are commanded to release the entire retiral benefits in favour of the petitioners forthwith within a period of **90 (ninety) days** from the date of passing of this order along with interest @ **7.5%** from the date the release of the retiral benefits in favour of the petitioners was withheld by the respondents till date of its actual payment.

**08.** As regards the fixation of the pension of the petitioners is concerned, the respondents are directed to fix the same by applying deduction with respect to the benefits granted under **SRO-59 of 1990 dated 06.02.1990.**

**09.** This writ petition is accordingly, ***disposed of.***

**(RAHUL BHARTI)  
JUDGE**

**JAMMU  
06.05.2026  
SUNIL**

**Whether the order is speaking ? : Yes/No  
Whether the order is reportable ? : Yes/No**

