

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

CPSW No. 421/2016

IA No. 1/2017

Shagufta Ahmed Salaria

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

Through :- Mr. C.S. Azad, Advocate.

V/s

Mohd. Afzal Bhat

....Respondent(s)

Through :- Mr. Suneel Malhotra, GA for R-2
Mr. P.D. Singh, Dy.AG.

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

ORDER
01.11.2023

01. It has been brought to the notice of the Court by Mr. C.S. Azad, learned counsel appearing on behalf of the petitioner that the order/judgment passed by this Court has not been implemented in toto, however, some part of the payment has already been made. He further submits that the direction was specific to the extent of paying interest with effect from 01.10.1998 on the difference in the amount paid and the amount payable to the petitioner along with other retiral benefits, interest to the tune of 6 per cent per annum with effect from the date the amount was due till date the payment is made.

02. It is also made clear that in the aforesaid order/judgment which has assumed finality that in case the financial/consequential benefits were not released within the stipulated period of time than the same will be paid to the petitioner along with enhanced rate @ 9 per cent per annum and in that eventuality the difference in the

rate of interest would be recoverable from the officer responsible for non-implementation of the order passed by this Court.

03. Mr. C.S. Azad, learned counsel appearing for the petitioner further submits that as on date the interest at the rate of 6% per annum has not been paid in terms of order/judgment passed by this Court within the time frame given by the Court and, thus, he is entitled for the enhanced rate of interest as already directed by this Court and the respondent till date has not implemented the judgment in toto.

04. Confronted with the same Mr. P.D. Singh, learned Dy.AG seeks two weeks' further time to comply the order/judgment in its letter and spirit by filing fresh compliance report with an advance copy to the learned counsel for the petitioner.

05. Let the fresh compliance report be filed within a period of two weeks.

06. List on 22.11.2023.

(WASIM SADIQ NARGAL)
JUDGE

Jammu:
01.11.2023
Mihul