

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

CPSW No. 421/2016 in
SWP No. 498/2005

Shagufta Ahmed Salaria

.....Petitioner(s)

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

Vs

Mohd. Afzal Bhat, Comm. Forest
Department & Anr.

..... Respondent(s)

Through: Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-1
Mr. B. S. Bali, Advocate vice
Ms. Monika Thakur, Advocate for R-2.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
30.03.2026

01. Through the medium of present petition, the petitioner is seeking implementation of order dated 22.04.2016 passed by the writ court whereby the following directions were issued.

“In the light of the aforementioned position, the writ petition is allowed and respondents are directed forthwith to release retiral benefits including full pension to which the petitioner is entitled in accordance with rules with effect from the date of his retirement, less provisional pension already paid with effect from 2009. The difference in the amount paid and the amount payable with effect from 01.10.1998 be released to the petitioner alongwith all other retiral benefits within a period of four months from today alongwith interest @ 6% p.a. with effect from the date the amount was due till the date payment is made in case financial/consequential benefits are not released

within the stipulated period of time, the same will thereafter be paid to the petitioner alongwith interest @ 9% p.a. and the difference in the rate of interest would be recoverable from the officer responsible for non-implementation of the orders of this Court.”

02. It seems that during the pendency of the contempt proceedings, the respondents have released retiral benefits including full pension in favour of the petitioner. However, interest @ 6% per annum and default interest @ 9% per annum has not been released by the respondents in favour of the petitioner so far.

03. In the fresh statement of facts, the respondents have tried to justify the delay in release of retiral benefits in favour of the petitioner but this Court while exercising contempt jurisdiction has not to return a determination on the issue whether there was any default on the part of the respondents in timely release of the retiral benefits in favour of the petitioner. The Court has only to ensure that there is complete compliance of the order dated 22.04.2016 passed by the writ court.

04. If at all, it was the petitioner who was responsible for delay in settlement of retiral benefits, the respondents had option of challenging the order passed by the writ court to the extent of award of interest and default interest in favour of the petitioner. Once the order of the writ court has attained finality, the respondents have no option but to pay the interest on reitral benefits in favour of the petitioner at the rates mentioned in the order of the writ court. No

amount of justification at this stage can come to the rescue of the respondents. The justification tendered by the respondents cannot be taken into consideration by this Court while dealing with the contempt proceedings.

05. In view of the above, the respondents are directed to calculate and release the interest amount in favour of the petitioner strictly in accordance with the observations/directions of the writ court by the next date of hearing, failing which coercive measures shall follow.

06. Be listed on **06.05.2026**.

(SANJAY DHAR)
JUDGE

Jammu
30.03.2026
Shivalee

