

**GOVERNMENT OF JAMMU AND KASHMIR,
FINANCE DEPARTMENT,**

Subject:- Contempt No. 110 of 2022 titled Abdul Qayoom Vs Atul Dulloo & others.

Government Order No. 179 -F of 2023

Dated. 30 .08.2023

Whereas, Sh. Addul Qayoom was selected by J&K Service Selection Board for ACC training in the Northern Zonal Accountancy Training Institute, Jammu;

Whereas, the petitioner received ACC training in the Northern Zonal Accountancy Training Institute, Jammu from 03.12.1973 to 29.05.1974 and after completion of training he, among others, was temporarily adjusted in the scale of 200-320 (Pre-revised) in Treasury Bhaderwah vide Government Order No. 354-F of 1974 dated 24.05.1974;

Whereas, the petitioner was posted in Directorate of Consumer Affairs and Public Distribution, Jammu (now Directorate of Food, Civil Supplies & Consumer Affairs) in 09/1976;

Whereas, the petitioner was transferred from Directorate of Food, Civil Supplies & Consumer Affairs to RTIC Jammu by the Deputy Director Accounts and Treasuries, Jammu (now Directorate of Accounts and Treasuries) vide Order No. 130 of 2003 dated 20.10.2003;

Whereas, the petitioner continued in Directorate of Food, Civil Supplies & Consumer Affairs Jammu and retired on superannuation on 30.06.2005 (A.N);

Whereas, pension case of the petitioner was not processed by the Director Food, Civil Supplies & Consumer Affairs, Jammu due to non-availability service record, attributing the loss of Service Book to shifting the office first from Toph to Marble Market and then to Nehru Market;

Whereas, the petitioner filed a writ petition SWP No. 1887/2013 titled Abdul Qayoom Vs State and others before the Hon'ble High Court seeking release of pension/ other retiral benefits and unpaid salary;

Whereas, the Hon'ble High Court in SWP No. 1887/2013 passed on following direction to the respondents on 16.02.2017:-

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30/8/23*

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"In view of above stated facts, this petition is disposed of with a direction to respondent No 03 (Director Consumer Affairs & Public Distribution, CAPD, Jammu) to approach Jammu & Kashmir State Board of School Education Jammu for early verification of the Secondary School Certificate(s) of petitioner. On receipt of verification report from the Board, if it is found that the documents are genuine, respondent No 3 shall process the case of the petitioner for grant of pension and other retiral benefits and forward the same to Accountant General within a period of four weeks. On receipt thereof, respondent No 5 (AG J&K) shall settle the pension case of the petitioner within a period of six weeks, thereafter, of course in accordance with rules."

Whereas, the petitioner filed a review petition and the Hon'ble High Court disposed of the same on 06.08.2021 with order re-produced hereunder:-

"This petition is partly allowed by modifying the order dated 16.02.2017 to the extent that the respondent No 3 i.e Director Consumer Affairs & Public Distribution, CAPD, Jammu shall approach Jammu & Kashmir Board of School Education, Jammu for verification of Secondary School Certificate(s) of the petitioner within a period of two months. On receipt of verification from the Board, if it is found that the documents are genuine respondent No 3 shall process the case of the petitioner for grant of pension and other retiral benefits and forward the same to Accountant General within a period of four weeks. On receipt thereof, respondent No 5 (AG J&K) shall settle the pension case of the petitioner within a period of six weeks, thereafter, of course in accordance with rules. This order shall form a part of the order dated 16.02.2017 passed in SWP No 1887/2013."

Whereas, the petitioner filed contempt petition No. 110/2022 titled Abdul Qayoom Vs Atul Dulloo & others;

Whereas, Hon'ble High Court on 14.07.2023 passed on following order in the contempt petition:-

"Four Weeks time is granted with a rider that in the event of the judgement of the writ court not getting its due compliance then the personal appearance of the Commissioner/Secretary Finance Department alongwith Director Accounts and Treasuries Finance Department and also Director CAPD will be directed."

Whereas, Director Food, Civil Supplies & Consumer Affairs Jammu vide No. DFCS&CA/J/Accts/2023-24/1547-49 dated 09.08.2023 reported that service book of the petitioner is not available in his office attributing its non-availability to shifting of the

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Directorate first from Toph to Marble Market and then to Nehru Market and sought approval for reconstruction of duplicate service book in favour of the petitioner so as to comply with the directions of Hon'ble Court;

Whereas, the orders of the Hon'ble High Court passed in SWP No. 1887/2013 and CCP(S) No. 110/2022 have been considered with overall situation of the case;

Now, therefore, in view of the above, sanction is accorded to the reconstruction of duplicate service book in favour of the petitioner "Sh. Abdul Qayoom" subject to condition that all available documents, record and correspondence related to the service history is gathered from the reliable sources as detailed in General Administration Department Circular No. 42-GAD of 2014 dated 04.10.2014.

By order of the Government of Jammu and Kashmir.

Sd/-


(Santosh D Vaidya) IAS,
Principal Secretary to Government,
Finance Department.

No:-DGAT/PS/DR/Legal (184463) /284

Dated: -30.08.2023

Copy for information to the:

1. Principal Accountant General, J&K, Jammu
2. Principal Secretary to Hon'ble Lieutenant Governor.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Director Archives, Archaeology and Museums, J&K.
5. Director Information, J&K.
6. Director Food Civil Supplies and Consumer Affairs Jammu.
7. Director Accounts and Treasuries, Jammu.
8. Principal, Northern Zonal Accountancy Training Institute, Jammu.
9. Deputy Legal Remembrancer, Finance Department.
10. Treasury Officer, Bhaderwah.
11. Private Secretary to Principal Secretary to Government, Finance Department.
12. Sh. KDS Kotwal, Standing Counsel, J&K, High Court Jammu.
13. Sh. Abdul Qayoom S/o Gulam Qadir R/o H. No. 85-A Gujjar Nagar Jammu.
14. Government Order Order file (W2SCs).


(Mahesh Dass) 30/8/23
Director General,
Accounts & Treasuries,
Finance Department.