



**Government of Jammu & Kashmir**  
**Industries & Commerce Department**  
Civil Secretariat, Jammu/Srinagar

**Subject:- SWP No.1517/2016 titled Sardaran Bibi & Others Vs State of J&K and Others.**

Government Order No. 109 -IND of 2017

Dated. 18 04.2017

1. Whereas Jammu and Kashmir Industries Limited was established in the year 1963 to run manage and administer the State Industrial Undertaking as may be notified;
2. Whereas the Industrial undertakings run by the Director, Industries and Commerce were entrusted to J&K Industries Ltd after its establishment in 1963 alongwith the employees;
3. Whereas aggrieved, by this the employees approached the Hon'ble High Court through the medium of SWP No.1517/2016 finally the case landed in Supreme Court and the Hon'ble Supreme Court in SWP No. (civil) 14235/98 set aside the decision of the J&K High Court and held the employees of erstwhile J&K Industries undertaking entitled to all the benefits accruable to employees of the Government;
4. Whereas, the Judgment of the Supreme Court was implemented in favour of petitioners only on the advice of Finance Department;
5. Whereas petitioners of the two writ petitions titled Sardaran Bibi Vs State and others and Satya Devi Vs State and others also approached the Hon'ble High Court vide Order through the medium of in SWP No.1788/2010 dated 07.12.2015 and 1517/2016 the Hon'ble High Court disposed of these petitions with the directions that the petitioners cases are squarely covered by the Judgment rendered in SWP No.1492/2006.
6. Whereas, the case was examined in the Department in pursuance of the above Judgments/directions of the Hon'ble High Court and it was found that the petitioners are entitled to the pensionary benefits.

Now, therefore in pursuance of the Judgment of the Hon'ble High Court dated 07.12.2015 passed in SWP No.1788/2010 MP No.2493/2-10 titled Satya Devi Vs State of J&K and Sardaran Bibi Vs State of J&K, sanction is accorded to the grant of pensionary and others benefits under rules as may be applicable from time to time

in favour of Smt. Satya Devi Widow of Sh. Dewan Chand, Ex-Peon and Smt. Sardara Bibi Widow of Late Jalal Massi, Ex-Sweeper of Modern Trupentine Factory Miranshib Jammu in the Industrial Units run by the Industries and Commerce Department and later transferred to JKI after its establishment in the same way as extended to all petitioners before the Supreme Court of India. The entitlement for these benefits shall be worked out after deducting the retirement benefits availed by the beneficiary at the time of superannuation from JKI including gratuity, employer's share of CP fund etc. Excess payment, if any, shall be recovered from the concerned.

By Order of Government of Jammu and Kashmir,

Sd/-  
(Shailendra Kumar) IAS  
Commissioner/Secretary to Government  
Industries and Commerce Department

No.IND/Legal-82/2016

Dated 28.04.2017

Copy to the:-

1. Financial Commissioner, Finance Department for information and necessary action.
2. Commissioner/Secretary to Government, General Administration Department.
3. Secretary to Government, Law Justice and parliamentary Affairs Department
4. Accountant General, J&K Jammu
5. Managing Director, J&K Industries Ltd.
6. Registrar, Supreme Court of India, New Delhi
7. Smt. Satya Devi Widow of Sh. Dewan Chand
8. Smt. Sardara Bibi Widow of Late Jalal Massi,
9. Government Order office (W.2.S.C.S).

(Mohammad Ayub Dar)

Under Secretary to Government  
Industries and Commerce Department

28.4.2017