

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 2811/2021
CM No.8704/2021

Reserved on: 17.09.2026

Pronounced on: 25.09.2026

Uploaded on: _____

Operative part or full judgment - Full

Mohammad Yousuf Dar

S/O Late Ali Mohammad Dar,
R/O Beebrda, Parigam Check,
District Kulgam.

...Petitioner(s)

Through: Sr.Adv. N.A.Beigh with
Adv. Sofi Manzoor.

Vs.

1. Food Corporation of India

through General Manager,
North Noida, New Delhi.

2. Assistant General Manager, CPF,
Food Corporation of India,
Zonal Office, North Noida, New Delhi.

3. Divisional Manager,
Food Corporation of India,
Sanant-Nagar, Srinagar.

...Respondent(s)

Through: Adv. Omais Kawoos.

CORAM: HON'BLE MR. JUSTICE M. A.CHOWDHARY, JUDGE

JUDGMENT

1. The petitioner, retired employee of the respondent-Corporation, has invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking *inter alia*, a writ of mandamus directing the respondent-Corporation to produce the record pertaining to his retirement case and further directing the respondent-

Corporation to pay to him the balance amount of **Rs.2,74,349/-**, alleged to have been illegally and unjustifiably withheld/deducted from his retiral/pensionary benefits.

2. The case set up by the petitioner is that he retired from the services of the respondent-Corporation on **01.07.2021** while working as an Ancillary Worker; that although the retiral benefits were released in his favour, the amount actually paid to him was less than what was due to him on the basis of the calculation made by the respondent-Corporation; that the petitioner and one **Muzaffar Ahmad Magloo, CPF No.6388**, who is also stated to be an Ancillary Worker, had joined the services of the Corporation on the same date i.e. **01.01.1994**; that despite the similarity in their date of joining and status, the CPF amount standing to his credit was substantially less than that reflected in the payroll record of the said similarly situated employee; that the respondents itself calculated his CPF (Contributory Provident Fund) up to the year **2021-2022** at **Rs.9,23,188/-**, whereas an amount of **Rs.8,74,918/-** only was released to him without furnishing any justification for the difference; that the difference comes to **Rs.48,270/-** under the said calculation, whereas the overall grievance raised in the writ petition relates to the amount of **Rs.2,74,349/-** allegedly withheld from his retiral benefits.

3. The respondents, in their counter Affidavit dated **15.12.2025**, have pleaded that the petitioner has been paid all the retirement benefits to which he was entitled; that the allegation regarding payment of lesser CPF than that payable to his colleague namely Muzaffar Ahmad Magloo has been denied; that no parity can be claimed with Muzaffar Ahmad Magloo since the said employee has not yet retired from service; that the CPF of the said employee has been calculated on the basis of the number of days actually worked by him and, therefore, the figures reflected in his account cannot be made the basis for determining the entitlement of the petitioner.
4. While arguing the matter, learned Senior Counsel for the petitioner states that the payroll particulars of similarly situated employee-Muzaffar Ahmad Magloo reflect his CPF balance up to the year 2021-2022 as **Rs.11,11,467/-**; that the petitioner claims that he has been discriminated and has not been paid the CPF/retiral benefits actually due to him; that before approaching this Court the petitioner submitted several representations to the respondents seeking clarification and release of the amount allegedly withheld from his retiral benefits, however, none of those representations have been considered or decided by the respondents.
5. Learned counsel for the respondents, ex-adverso, contends that pursuant to the directions of this Court, respondents

filed counter Affidavit dated **16.12.2025** and states that a meeting was convened with the petitioner who was apprised of the computation of his CPF contribution; that after being satisfied with the calculation, the petitioner submitted a representation expressing his intention to withdraw the writ petition; that the said representation bears thumb impression of the petitioner and is annexed with the counter Affidavit; that this fact was brought to the notice of the Court on **07.04.2025** by learned counsel appearing for the respondents, however, on **02.09.2025**, learned counsel appearing for the petitioner made a statement before the Court that the petitioner denied having submitted any such representation.

- 6.** Heard learned counsel for the parties, perused the material available on record and considered the matter.
- 7.** At the outset, it needs to be noticed that the grievance of the petitioner essentially relates to the correctness of the computation of his CPF/retiral dues. The respondents assert that the petitioner has been paid all the amounts due to him, whereas the petitioner disputes the computation and alleges that the amount has been wrongly withheld from his retiral benefits.
- 8.** There can be no dispute with the proposition that retiral benefits payable to an employee upon his retirement constitute an important service entitlement and that the employer is required to make a correct and transparent

computation thereof. At the same time, a writ Court cannot direct payment of a particular amount merely on the basis of an assertion of the employee unless the entitlement to such amount is established from the relevant service and financial record. The Supreme Court in ***ABL International Ltd. v. Export Credit Guarantee Corporation of India Ltd.***, reported as **(2004) 3 SCC 553**, while considering the scope of Article 226 of the Constitution of India, has held that the mere existence of a disputed question of fact does not constitute an absolute bar to the exercise of writ jurisdiction. The Court has also reiterated that the question is essentially one of judicial discretion depending upon the facts and circumstances of each case.

9. In the present case, the relevant record relating to the petitioner's CPF account, contribution, deductions, adjustment, and final settlement assumes considerable importance. The respondents have asserted that the petitioner has received all the amounts due to him, but the petitioner disputes the computation. In such circumstances, the respondents cannot merely rely upon a general assertion that all retiral benefits have been paid. The computation must be capable of verification from the official record.

10. The comparison sought to be made by the petitioner with the similarly situated employee Muzaffar Ahmad

Magloo, however, cannot by itself establish the petitioner's entitlement to the amount claimed. The respondents have specifically stated that the said employee has not retired and that his CPF balance has been calculated on the basis of the actual period/days worked. Therefore, the mere fact that the payroll statement of the said employee reflects a higher CPF balance cannot, without examination of the respective contribution records, establish that the petitioner has been wrongly paid.

- 11.** The Court, therefore, finds that the claim of parity with the said employee cannot, in the present state of the record, furnish a sufficient basis for issuing a positive direction for payment of the amount claimed by the petitioner. There is, however, another aspect of the matter which requires consideration. The respondents have relied upon a representation allegedly submitted by the petitioner expressing his intention to withdraw the writ petition after being satisfied with the CPF calculation. The petitioner, through his counsel, has specifically denied having submitted such representation. Once the petitioner has denied the very submission of the representation, particularly when the respondents seek to rely upon the same for bringing the proceedings to an end, this Court would not be justified in treating the said document as conclusive proof of withdrawal of the petition. The disputed question regarding the alleged representation need not be

adjudicated in the present proceedings, particularly when the respondents can independently demonstrate the correctness of the CPF calculation from their official record.

12. The petitioner, admittedly, had approached the respondents through representations before filing the writ petition. If such representations remained undecided, the respondents were expected to communicate to the petitioner the basis on which his claim for the alleged difference in retiral benefits had been rejected or adjusted.

13. The Court is, therefore, of the considered view that instead of directing immediate payment of the amount of **Rs.2,74,349/-**, the respondents are directed to undertake a fresh verification of the petitioner's CPF/retiral benefit account on the basis of the original record and communicate a reasoned decision to him. The exercise shall necessarily include examination of the petitioner's service record, CPF ledger/account, monthly contributions, employer's contributions, interest credited from time to time, withdrawals/adjustments, if any, and the basis on which the final amount payable to the petitioner was arrived at. The respondents shall also specifically indicate the basis for the figure of **Rs.9,23,188/-**, stated by the petitioner to have been calculated as his CPF entitlement, as against the amount of **Rs.8,74,918/-** actually released to him. It is, however,

clarified that this Court has not expressed any final opinion on the correctness of either party's calculation. The respondents shall undertake the exercise strictly on the basis of the official record and the applicable rules governing CPF/retiral benefits.

14. Such a course would also safeguard the interest of the respondent-Corporation, while ensuring that the petitioner is not deprived of any legitimate retiral benefit on account of an unexplained or unverifiable calculation. If upon such verification it is found that any amount was due to the petitioner but was not paid to him, the same shall be released in his favour within the time stipulated. Conversely, if the respondents find that no further amount is payable, a detailed and reasoned communication shall be furnished to the petitioner setting out the calculation and the basis thereof.

15. In the event of the afore-stated exercise, if the petitioner is not satisfied, he shall be at liberty to work out his legal remedy.

16. Petition is **disposed of** in terms of the above along-with pending application(s).

(M. A. CHOWDHARY)
JUDGE

Srinagar
25.09.2026
Muzammil. Q

Whether the order is reportable: Yes / No