

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1189/2025

Pronounced on: 14.10.2025

Uploaded on : 15.10.2025

1. UT of J&K th. Financial
Commissioner (Addl. Chief
Secretary) Jal Shakti Department,
Civil Secretariat, UT of J&K at
Jammu- 180001.
2. Chief Engineer, Jal Shakti
Department, Jammu- 180001
3. Executive Engineer, Jal Shakti
(Hydraulic) Division Ramban-
182144.
4. Principal Accountant General
(A&E), UT of J&K, Shakti Nagar,
Jammu- 180001.

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

Through: Ms. Monika Kohli, Sr. AAG

vs

1. Sh. Abdul Rashid Lone, Aged 61 years,
S/o Ali Mohd Lone,
R/o Sujmatna, Tehsil Banihal, District
Doda, 182202. Respondent(s)
2. Sh. Mohd. Sharif Naik, Aged 61 years,
S/o Abdul Gaffar Nayak,
R/o Village Khari Tehsil Banihal, District
Doda, 182202.
3. Jamal Ud Din, Aged 62,
S/o Ghulam Mohd. Khanday,
R/o Village Sunmatna, Tehsil Ramban
District Doda, 182202.
4. Sh. Abdul Rashid Bali, Aged 62 years
S/o Abdul Samad
R/o Village Pogal, Tehsil Banihal District
Ramban, 182144.

Through: Mr. Navyug Sethi, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
14.10.2025

Sanjeev Kumar 'J'

1. In this petition, filed by the Union Territory of J & K & Ors. under Article 226 of the Constitution of India, an order and judgment dated 19.11.2024 passed by the Central Administrative Tribunal, Jammu Bench at Jammu [**“the Tribunal”**] in O.A. no. 515/2024 titled *Abdul Rashid Lone & Ors. Vs. UT of J&K & Ors.*, is assailed. The Tribunal has allowed the O.A. of the respondents and issued the following directions.

- (i) The impugned order of recovery qua the application is quashed and set aside and the respondents are directed not to recover any amount from the pay/pensionary benefits of the applicants.
- (ii) The respondents are directed to restore the pay/pension of the applicants which they were getting prior to the issuance of the impugned order.
- (iii) The amount recovered from the pay/pensionary benefits of the applicants, shall be refunded preferably within two months from the date of receipt of a certified copy of this order.
- (iv) In the cases, where applicants have already retired, the respondents shall pay pension to the applicants on the basis of last pay drawn by the applicants.

2. The petitioners are aggrieved and have called in question the judgment impugned, particularly to the extent of direction Nos. (ii) and (iv) on the ground that the Tribunal has failed to appreciate that no law debars an employer to correct its mistake and re-fix the salary of the employee after retirement, which is wrongfully fixed during his service career.

3. *Per contra*, learned counsel appearing for the respondents would submit that apart from the issue of wrong fixation of salary, there was an issue of third *in-situ* promotion, also raised by the respondents in the O.A., which has not been dealt with by the Tribunal. It is argued that even if it is conceded that the salary was wrongfully fixed by the petitioners during his service career under SRO 59 of 1990, yet the respondents would be entitled to third *in-situ* promotion and that would again bring their pay and salary to the same level.
4. Having heard learned counsel for the parties and perused material on record, we are of the considered opinion that the issue with regard to the entitlement of the respondents to third *in-situ* promotion has been specifically raised by the respondents in the OA. As a matter of fact, there is specific prayer made by the respondents for grant of third *in-situ* promotion in their favour.
5. In view of this, this petition is **allowed** and impugned judgment and order passed by the Tribunal is set aside. The matter is sent back to the Tribunal to adjudicate afresh, *inter alia*, the issue of entitlement of the respondents to third *in-situ promotion*, as claimed by them in the O.A. The parties to appear before the Tribunal on **31.10.2025**.
6. **Disposed of**

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
14.10.2025
Vishal Sharma

Whether the order is reportable: Yes/No

Whether the order is speaking: Yes/No