

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2268/2025

CAV No. 1458/2025

1. UT of J&K through Commissioner Secretary
to Govt. Public Health Engineering Department
(Jal Shakti) Civil Secretariat, Jammu/Srinagar. Petitioner(s)
2. Chief Engineer PHE Department (Jal Shakti)
J&K, Jammu
3. Executive Engineer, PHE Hydraulic Division
(Jal Shakti) Ramban.

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffar, Advocate

vs

1. Manzoor Ahmed Wani S/o Gh. Mohudiin Wani
R/o Chanjloo Banihal Respondent(s)
2. Manzoor Ahmed Wani S/o Gh. Nabi Wani R/o
Chanjloo Banihal
3. Altaf Ahmed Wani S/o Najmdin Wani R/o
Cahnjloo Banihal
4. Nazir Ah. Bhat S/o Ahmadullah Bhat R/o Nagbal
Banihal

Through:

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

ORDER(ORAL)

07.10.2025

Sanjeev Kumar-J

1. Impugned in this petition is an order dated 23.12.2024 passed by the
Central Administrative Tribunal, Jammu Bench, Jammu (*hereinafter*
referred to as "the Tribunal") in OA No. 1242/2024 titled "***Manzoor***
Ahmed Wani and Ors. Vs. UT of J&K and others", whereby the

Tribunal has, while allowing the writ petition, issued following directions.

- “a. The impugned PPOs restricting the amount of monthly pension less than the last pay drawn by the applicants are quashed and set aside and the respondents are directed not to recover any amount from the salary or pensionary benefits of the applicants.*
- b. The amount recovered from the salary/pensionary benefits of the applicants shall be refunded and withheld gratuity and other pensionary benefits shall be refunded and also enhancement of monthly pension from the date of retirement shall be restored as per last pay drawn.*
- c. The whole exercise as above shall be completed immediately, preferably within two months from the date of receipt of certified copy of this order.”*

2. The issue raised by the petitioners in this petition is squarely covered by our judgment dated 04.04.2025 passed in WP(C) No. 2416/2024 titled *“Sita Ram & others Vs. Union Territory of J&K”*. The instant case is thus **disposed of** by providing as under:-

- i. That there shall be no recovery of the amount erroneously paid to the respondents during their service career on account of wrong fixation of their salary, as the same is protected by the law laid down by the Hon’ble Supreme Court in the case of *“State of Punjab Vs. Rafiq Masih”* report in 2015(4) SCC 334 and *“Thomas Daniel Vs. State of Kerala & Others”* being Civil Appeal no. 7115 of 2010.

- ii.* That such amount, if any recovered from the salary/pensionary benefits of the respondents, shall be refunded immediately and forthwith, preferably within period of three months from today.
 - iii.* That the respondents shall be entitled to the post retiral benefits on the basis of re-fixation of their salary done by the petitioners for correcting the error committed during their service career in the matter of fixation of salary.
- 3. The judgment of the Tribunal to the extent aforesaid is modified and this petition is, accordingly, ***disposed of.***

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
07.10.2025
Rahul