

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

**WP(C) 1319/2024 c/w**  
**WP(C) 1318/2024,**  
**WP(C) 1454/2024,**  
**WP(C) 1466/2024,**  
**WP(C) 1493/2024**

HAFIZULLAH PIR

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

Through: Mr. M. A. Beigh, Advocate

**Vs.**

UT of JK and Others

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

**CORAM:**

**HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE**

**ORDER**  
**23.07.2025**

Learned counsel for the petitioners submits that after attaining the age of superannuation, they have been reduced in rank and the amount received by them on account of the holding of the posts is being recovered. Ostensibly aggrieved thereof, petitioners have filed these writ petitions averring that after retirement of an employee, an employers/respondents herein do not have any power or jurisdiction to reduce the rank of an employee and contemplate effecting of recovery.

Learned counsel for the petitioners has relied upon the judgment passed in SWP no. 298/2019 on 05.04.2022, Judgment passed in LPA No. 24/2023 on 07.03.2023 and order passed by the Supreme Court whereby the SLP filed against the order of Division Bench has been dismissed and also relied upon the judgement passed by this Court in WP(C) no. 2703/2023 on 16.04.2025.

It is the case of the petitioners that their cases are squarely covered by the judgment referred to above and that no such reduction or recovery can be affected once the petitioners have superannuated from services.

WP(C) 1319/2024 c/w  
WP(C) 1318/2024,  
WP(C) 1454/2024,  
WP(C) 1466/2024,  
WP(C) 1493/2024

Learned counsel for the petitioners submits that petitioners' cases are squarely covered by aforesaid judgment and submits that neither reduction in rank can be affected nor could there be any recovery.

Learned counsel for the respondents Mr. Ilyas Laway, GA submits that so far as the judgments referred to above are concerned, they are not similar to the present cases. He submits that respondents would examine the cases of the petitioners in light of the law laid down in the aforesaid judgments and the judgment passed in WP(C) no. 2703/2023 on 16.04.2025, and pass orders accordingly, within a period of one month. Let respondents do so within one month.

If petitioners feel aggrieved of outcome of consideration, they shall be at liberty to approach this Court again.

Disposed of accordingly along with connected CM(s).

**WP(C) 1490/2024**  
**CM no. 3935/2025**

Mr. Asif A Bhat, Advocate for petitioner  
 Mr. Ilyas Nazir Laway, GA for respondents

The instant writ petition is being dealt separately for the reason that during pendency of this petition, the petitioner has died and to bring on record the legal heir of the deceased petitioner an application, bearing CM no.3935/2025, has been filed by his counsel.

For reasons detailed therein, the application is allowed and the legal heirs of deceased petitioner mentioned in the application are brought on record. CM disposed of.

In the instant case as well, after attaining the age of superannuation, petitioner had been reduced in rank and the amount received by him on account of holding the post was contemplated to be recovered from him. Aggrieved thereof, petitioner filed instant writ petition.

Reliance is also being placed on the same judgements as has been referred to in aforementioned cases and, as such, the instant petition is also to be considered on the same lines.

WP(C) 1319/2024 c/w  
WP(C) 1318/2024,  
WP(C) 1454/2024,  
WP(C) 1466/2024,  
WP(C) 1493/2024

Mr. Ilyas Laway, GA, learned counsel for respondents, submits that the judgments referred to above are concerned, they are not similar to the present case. He submits that respondents would examine the case of the petitioner in light of the law laid down in the aforesaid judgments and the judgment passed in WP(C) no. 2703/2023 on 16.04.2025, and pass orders accordingly, within a period of one month. Let respondents do so within one month.

If legal representatives of deceased petitioner feel aggrieved of outcome of consideration, they shall be at liberty to approach this Court again.

Disposed of accordingly along with connected CM(s).

SRINAGAR  
23.07.2025  
"Imtiyaz"

