

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

WP(C) 1633/2024

UNION TERRITORY OF J AND K AND ORS.

...Petitioner(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Mr. M.Younis, AC

Vs.

MOHAMMAD AKBAR MIR

...Respondent(s)

Through: Mr. Bhat Fayaz, Advocate

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

ORDER
24.12.2025

- 1.Impugned in this petition filed by the petitioners under Article 226 of the Constitution of India is an order dated 22.08.2023 passed by the Central Administrative Tribunal Srinagar Bench [“The Tribunal”] in RA No. 7/2023, whereby the Tribunal has changed the very complexion of the judgment dated 03.07.2023, in the garb of correcting clerical errors.
2. Having heard learned counsel appearing for the parties and perused the material available on the record, we find the order impugned passed in the

review petition is grossly erroneous and in flagrant violation of law governing the exercise of review jurisdiction.

3. Indisputably vide order and judgment dated 03.07.2023, passed by the Tribunal in OA No. 863/2023, the writ petition filed by the respondent was dismissed after returning a clear finding that the very entry of the respondent in Government service as public servant was through deceitful means.
4. It was also a finding returned by the Tribunal that simply because the respondent was continuing in service after having entered into it by playing fraud, he could not be granted any service benefits. The issue was finally set at rest in the aforesaid judgment.
5. It is also not in dispute that the aforesaid judgment passed by the Tribunal has attained finality. It is astonishing to note that the Tribunal while entertaining a review petition filed by the respondent changed the entire judgment that too in the exercise of its inherent power to correct clerical errors. While it cannot be disputed that the Tribunal could have corrected the clerical error in so far as it pertains to mentioning the designation of the respondent as “Forester” instead of “Forest Guard”. However, the Tribunal could not have in guise of correcting the clerical error directed the petitioners herein to pay him the salary for the period he had worked that too

after returning a finding in the judgment dated 03.07.2023, that respondent was not entitled to any service benefits for the reason that he had gained entry in Government Service through fraudulent and deceitful means.

6. To top it all, the order was passed without affording any opportunity to oppose and file objections to the petition.
7. Viewed from any angle, the impugned order cannot sustain in the eye of law, and, therefore, deserves to be set aside. **Ordered accordingly.**
8. Consequently the order dated 14.02.2024, passed in CP No. 175/2023 is also set aside.
9. This order, however, shall not come in the way of the respondent to file a fresh review petition, which shall be considered by the Tribunal in accordance with law. In case such remedy is availed by the respondent, the time spent before the Tribunal in the review petition and before this Court shall not be taken into consideration while computing the limitation.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

24.12.2025

"S. Nuzhat"