

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

Reserved on: 25.08.2025

Pronounced on: 29.08.2025

CJ Court

WP(C) No.2041/2025

1. J&K Special Tribunal, J&K Jammu/ Srinagar, through its Chairperson.
2. Registrar, J&K Special Tribunal, J&K, Jammu/Srinagar.
3. UT of J&K through Commissioner/ Secretary to Govt. General Administration Department, Civil Sectt. Srinagar/Jammu.
4. Director Finance, General Administration Department, Civil Sectt. Srinagar/Jammu.

...PETITIONER(S)

Through: - Mr. Mohsin Qadiri, Sr. AAG.

Vs.

Ghulam Mustafa Mantoo S/o Wali Muhammad Mantoo
R/o Waltengoo Kund, Qazigund, Kashmir-19222.

...RESPONDENT(S)

Through: - None.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

JUDGMENT

OSWAL 'J'

1) The petitioners are aggrieved of the order dated 20th November, 2023, passed by the Central Administrative Tribunal, Srinagar Bench (for short "the Tribunal"), whereby the learned Tribunal has issued the following directions:

“a) The respondents are directed, especially respondent No.4, to take up the matter with the

concerned authorities including the State Crime Branch with regard to the release of the legitimate, withheld salary of the petitioner. As is the petitioner cannot be left without his sustenance when actually as stated by the petitioner counsel he is discharging his official duties as on date.

b) It is expected that the respondents will take up the matter on priority and consider the release of his legitimately earned salary within a period of four weeks. We leave it upon to investigate the matter in accordance with the law, and at the same time directed the petitioner to submit an undertaking before the Drawing and Disbursing Officer that the release of his salary shall be ultimately subject to the outcome of the pending proceedings / FIR.

c) In this view we are also fortified by the latest judgment of the Odisha High Court dated 06/11/2023 titled as Nihar Ranjan Choudhury versus State of Odisha.”

2) It is contended by the petitioners that it was brought to the notice of the learned Tribunal that the educational qualification certificates of the respondent were found to be false and the said fact was duly substantiated by the report of the J&K State Board of School Education as well as Madhyamik Siksha Vibhag, Uttar Pradesh but despite that, the learned Tribunal directed the petitioners to consider the release of salary of the respondent.

3) Mr. Mohsin Qadri, learned counsel for the petitioners, has submitted that the respondent has already attained the superannuation, though in his application preferred before the learned Tribunal, the respondent had mentioned his age as 50 years.

4) In terms of the impugned order passed by the learned Tribunal, the petitioners have only been directed to

consider the release of legitimately earned salary in favour of the respondent. The perusal of the record depicts that in compliance to the order dated 20th November, 2023, the petitioner No.1 has issued an order dated 14.07.2025, perusal whereof reveals that the respondent was placed under suspension vide order dated 26.07.2024 and the Enquiry Officer submitted a comprehensive report dated 09.07.2025. Once the petitioners have accepted the order passed by the learned Tribunal and passed the consideration order dated 14.07.2025, they cannot turn around and assail the same order in terms of the instant petition.

5) We have examined the order passed by the learned Tribunal and we do not find any reason to show indulgence, particularly in view of the fact that after the learned Tribunal passed the order impugned in this petition, the respondent was suspended and has now attained superannuation, as submitted by learned Senior AAG. The present petition is found to be misconceived and the same is dismissed accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
29.08.2025
"Bhat Altaf"

Whether the **judgment** is reportable: **No**