

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2471/2026

UT of J&K and Ors.

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

Through: Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG

vs

Darshan Kumar

..... Respondent(s)

Through:

**Coram: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER
10.08.2026

01. The petitioners have called in question the order dated 16.10.2024 passed by learned Central Administrative Tribunal, Jammu Bench, in O.A. No. 626/2024, whereby the Original Application filed by the applicant/respondent came to be allowed and the order directing recovery from their pay/pensionary benefits was quashed and set aside.

02. Learned Tribunal, while allowing the Original Application, issued the following directions:

- (i) The impugned order of recovery qua the applicants 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.

03. Learned counsel appearing for the petitioners submits that the controversy involved in the present petition, insofar as it relates to recovery of the excess amount paid to the respondent and re-fixation of his pay/pension stands settled by the co-ordinate Bench of this Court in WP(C) No. 936/2025, titled *UT of J&K and Ors. v. Maqbool Sheikh and Sita Ram and Ors. vs. UT of J&K and Ors.*

04. This court has allowed the petitioners to re-fix the pay but restrained the authorities from effecting recovery of the excess amount already paid and also clarified that the authorities would remain at liberty to re-fix the pay/pension of the concerned employees by excluding the benefit which had been wrongly granted to them. It has further been directed that, wherever any amount has already been recovered, the same shall be refunded to the concerned employees within the period prescribed by the learned Tribunal.

05. Having regard to the facts of the case and in view of the fact that the issue has already attained finality, without going into the merits of the matter any further, the present petition is disposed of in terms of the judgment dated 06.03.2026 passed by this Court in WP(C) No. 936/2025, titled *UT of J&K and Ors. v. Maqbool Sheikh*, along with connected matters.

06. Consequently, the petitioners shall not effect any recovery from the respondent on account of the excess amount already paid to them. In the event any amount has already been recovered from the pay/pensionary benefits of the respondent, the same shall be refunded to them in accordance with law and within the period prescribed by learned Tribunal.

07. It is, however, clarified that the petitioners shall remain at liberty to undertake re-fixation of the pay/pension of the respondent(s), strictly in accordance with law, by excluding the benefit which was erroneously or wrongly

extended to them. Such re-fixation shall not, however, result in recovery of the excess amount already paid to the respondent.

08. The present petition, along with pending CMs, if any, stands disposed of in the above terms.

(Rajesh Sekhri)
Judge

(Sindhu Sharma)
Judge

Jammu
10.08.2026
Sushant

