

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

WP (C) No. 2890/2026

Date of pronouncement: 14.09.2026

Date of uploading: 15.09.2026

- 1. Union Territory of Jammu and Kashmir
through Director Treasury and Accounts
Muthi, Jammu**
- 2. District Treasury Officer, Ramban, Tehsil and
District Ramban.**
- 3. Treasury Officer, Banihal Tehsil Banihal
District Ramban.**

....Applicant(s)/Petitioner(s)

Through :- Ms. Monika Kohli, Sr. AAG with
Ms. Priyanka Bhat, Advocate

v/s

**Tara Devi w/o Lehar Singh R/o Chunthan,
Tehsil Banihal District Ramban**

....Respondent(s)

Through :-

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**

ORDER (ORAL)

1. Impugned in this writ petition, filed under Article 226 of the Constitution of India by the Union Territory of J&K and Others, is an order and judgment dated 04.08.2025 passed by the Central Administrative Tribunal, Jammu Bench [**“the Tribunal”**] in OA No. 1098/2024 titled “Tara Devi vs. UT of J&K and Others, whereby the Tribunal, placing strong reliance on the judgments of *“Thomas Daniel vs. State of Kerala and Others”* **2022 Live Law (SC) 438** and *“Jagdish Prasad Singh vs. State of Bihar and Others”* Civil Appeal No. 1635 of 2013 decided on 08.08.2024 has allowed the OA and quashed/set aside the recovery order dated

05.09.2024 with a further direction to the petitioners to refund any amount already recovered from the respondent within a period of six weeks.

2. Briefly stated, the facts leading to filing of this petition are that the respondent- Tara Devi is wife of a pensioner, who had died in a road accident. She had been drawing the pension regularly as was fixed by the petitioners and credited to her account.
3. On 05.09.2024, Branch Manager J&K Bank, Ukharhal was served with a notice by the Treasury Officer, Banihal for recovery of some excess pension paid to the respondent. Acting on the instructions of the Treasury Officer, Banihal, Branch Manager, J&K Bank started making recoveries of the alleged over payment drawn by the respondent allegedly due to some calculation error.
4. The respondent made several representations against the recovery, but the same was not stopped. She was, thus, constrained to file OA No. 1098/2024 before the Tribunal. It is this OA which has now been allowed by the Tribunal in terms of the order impugned.
5. The Tribunal has come to the conclusion that the calculation error, if any, committed by the petitioners in releasing the pensionary benefits in favour of the respondent was not in any manner attributable to the respondent nor was there any fraud or misrepresentation attributed to the respondent.
6. Relying upon the Supreme Court judgments in the case of “*Thomas Daniel vs. State of Kerala and Others*” 2022 **Live Law (SC) 438** and “*State of Punjab vs. Rafiq Masih*” **AIR 2015 SC 696**, the

Tribunal concluded that the amount, though, erroneously paid to a Class IV employee or in case of death, the pension to the next of kin cannot be recovered, as that can put such an employee or pensioner, as the case may be, to a grave financial inconvenience. Having said that, the Tribunal allowed the petition and granted the relief which we have already noticed hereinabove.

7. Having heard Ms. Monika Kohli, learned Sr. AAG, we are of the considered opinion that the Tribunal has acted in consonance with settled position of law and, therefore, we do not find any error of fact or law in the judgment impugned in this petition.
8. The respondent having received the family pension in excess to what she was entitled to due to some calculation error committed by the petitioners cannot be subjected to the recovery, more particularly, when she was neither privy to nor had contributed in any manner to the error committed by the petitioners.
9. The legal position has already been settled in the case of “*Thomas Daniel vs. State of Kerala and Others*” and we need not elaborate on it any further.
10. For the foregoing reasons, we find no merit in this petition. The same is, accordingly, dismissed.

(Shahzad Azeem)
Judge

(Sanjeev Kumar)
Judge