

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

**WP(C) No. 2888/2026
CM No. 6349/2026**

UT of J&K & Anr.

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

Through: Mr. Suneel Malhotra, GA

vs

Bushan Lal Munshi

....Respondent(s)

Through:

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

**ORDER
(14.09.2026)**

This Writ petition filed under Article 226 of Constitution of India against an order/judgment dated 03.02.2026, passed by Central Administrative Tribunal (Jammu Bench) ["the Tribunal"] in Transfer Application No.1682/2020 titled "**Bushan Lal Munshi vs. State of J&K & Ors.**", whereby the Tribunal, while allowing the petition has directed the petitioners herein to issue corrigendum to Government Order No. 279-Agri of 2008 dated 07.10.2008, correcting the erroneous entry showing the respondent as "dead" and instead indicate his correct status as "alive". A further direction has been issued by the Tribunal to grant notional promotion to the respondent to the post of Chief Agriculture Officer/Deputy Director Agriculture with effect from 01.07.2001, on the date on which his immediate juniors were promoted with the consequential refixation of pensionary benefits. The tribunal has also imposed cost of Rs.50,000/- to be paid by the petitioners for compelling the respondent to initiate litigation.

The impugned judgment is challenged by petitioners primarily on the ground that the mistake that occurred in the Government Order (supra) was inadvertent and due to oversight and the same was later corrected. It is argued by Mr. Suneel Malhotra, GA that since, the mistake, which ultimately resulted in depriving the respondent of the benefit of promotion was

bona fide and due to inadvertence, as such, the Tribunal ought not to have imposed exemplary costs.

Having heard Mr. Suneel Malhotra, learned Government Advocate, appearing for the petitioners and perused the material available on record, we are of the considered opinion the judgment passed by the Tribunal is perfectly legal and does not call for any interference by us in exercise of the powers vested under Article 226 of the Constitution of India.

Indisputably, due to an oversight of the petitioners while issuing the Government Order No.279-Agri Of 2008 (supra), a serious mistake as regard to the status of the respondent was committed.

The respondent was alive and was shown to be 'dead' and, accordingly, he was not considered alongwith his juniors for next promotion of Chief Agricultural Officer\Deputy Director Agriculture to which he was entitled to w.e.f 01.07.2001. The respondent retired as a District Agriculture Officer and was, accordingly, paid post retiral benefits as per the post held by him and the emoluments received inconnection therewith.

The respondent was, thus, forced to enter into litigation to vindicate his right. The applicant succeeded before the Tribunal, but the petitioners, instead of implementing the judgment, decided to file the instant writ petition.

Having regard to the conduct exhibited by the petitioners post-admission of the error, we are of the considered opinion that the cost of Rs.50,000/- imposed by the Tribunal is quite appropriate and does not call for any interference by this Court. This appeal is found to be devoid of any merit, hence, ***dismissed***.

(SHAHZAD AZEEM)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu
14.09.2026
Sapna