

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

WP (C) No. 3720/2025

Date of pronouncement: 11.03.2026

Date of uploading: 12.03.2026

1. Union Territory of J&K through
Commissioner/Secretary to Government,
Jal Shakti Department, Civil Secretariat
UT of J & K at Jammu-180001 Mobile
No. 0191-2546229 (pscphe@gmail.com).

2. Chief Engineer, Jal Shakti (PHE)
Department, Jammu-180001 Mobile No.
94191-29108 (phecejmu@gmail.com).

3. Executive Engineer, Jal Shakti (PHE)
Mech. Division Rajouri-185131 Mobile
No. 7006471597.

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

Through :- Ms. Monika Kohli, Sr. AAG

v/s

1. Phal Singh Age 59 years S/o Sh. Anant
Ram, R/o Dharamsal Tehsil Nowshera
District Rajouri-185131 Mobile No. 9797597001

.....Respondent(s)

Through :- None

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

**ORDER
11.03.2026**

1. Impugned in this petition, filed by the Union Territory of Jammu & Kashmir and two Others is an order and judgment dated 18.03.2025 passed by the Central Administrative Tribunal Jammu Bench, Jammu [“**the Tribunal**”] in OA No. 295/2025 titled “*Phal Singh vs. UT of J&K and Others*”, whereby the OA filed by the respondent

herein has been disposed of with a direction to the petitioners herein to treat the OA of the respondent as representation and decide the same by passing a reasoned and speaking order in the light of judgments passed by the Hon'ble Supreme Court in the case of ***“State of Punjab vs. Rafiq Masih & Others”*** AIR 2015 SC 696 and ***“Thomas Daniel vs. State of Kerala & Others”*** 22 Live Law (SC) 438 as also the judgment dated 28.08.2024 passed by a Single Bench of this Court in WP (C) No. 296/2024 titled *“Jamsheed Ahmed Khan vs. State of J&K”*.

2. Impugned judgment is assailed by the petitioners, primarily, on the ground that the Tribunal has not taken into account the law declared by the Division Bench of this Court in WP (C) No. 1376/2025 titled *“UT of J&K and Others vs. Parveen Singh”* decided on 14.10.2025. as also the judgment dated 06.03.2026 passed by a Division Bench of this Court in WP (C) No. 936/2025 titled *“UT of J&K and Others vs. Maqbool Sheikh”* and other clubbed matters.
3. Having heard learned counsel for the parties and perused the material on record, we find that the judgment passed by the Tribunal, impugned in this petition, does not determine any of the rights of the parties.
4. The judgment impugned only directs the petitioners to consider the OA of the respondent as representation and decide the same by passing a reasoned and speaking order in the light of law laid down by the Supreme Court in the case of Rafiq Masih (supra) and Thomas Daniel (supra). We, however, find that in terms of the judgment impugned, the Tribunal has also called upon the

petitioners to take note of the judgment dated 28.08.2024 in Jamsheed Ahmed Khan (supra), which we think has not been correctly done by the Tribunal.

5. The law on the subject is now governed by Division Bench judgments of this Court rendered in the cases of Parveen Singh (supra) and Maqbool Sheikh (supra).
6. For the foregoing reasons, this petition is disposed of with a direction to the petitioners to consider the grievance of the respondent, as projected by him in his OA, in the light of law laid down by the Supreme Court in the case of Rafiq Mqasih (supra) and Thomas Daniel (supra) and also keeping in view the judgments rendered by the Division Bench of this Court in the cases of Parveen Singh (supra) and Maqbool Sheikh (supra).
7. It needs no reiteration that the petitioners shall not be entitled to recover the amount paid to the respondent on wrong fixation of his salary in terms of SRO 59, but they shall be free to correct the error and refix the salary/pension to which respondent is found entitled to. This is elaborately explained by this Court in the Division Bench judgments referred to above.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
11.03.2026
Manik

Whether this order is speaking: Yes/No

Whether this order is reportable: Yes/No