

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 127/2026 CM(262/2026)

BAL KRISHAN PANDITA

...Petitioner(s)

Through: Mr. Arshad Andrabi, Advocate with
Ms. Humaira Shafi, Advocate

Vs.

UNION OF INDIA AND OTHERS
(MINISTRY OF TEXTILE)

...Respondent(s)

Through: Ms. Rehana Qayoom, Advocate vice
Mr. T. M. Shamsi, DSGI

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER(Oral)

01.09.2026

1. This is a petition filed under Article 226 of the Constitution of India to assail the order and judgment dated 30.10.2025, passed by the Central Administrative Tribunal, Srinagar ["the Tribunal"] in T.A No. 7891/2021 titled "*Union of India and others Vs. Bal Krishan Pandita*", whereby the Tribunal has set aside the judgment of the Sub Judge, Anantnag dated 16.01.2014, to the extent that it granted the relief of entitlement of the petitioner for confirmation/regularization as Carpet Training Officer.
2. The Tribunal has, however, upheld the rest of the decree in so far as it pertains to the payment of arrears of salary to the petitioner for the period he had performed the services of Carpet Training Officer.

3. Briefly stated the facts leading to the filing of this petition are that the petitioner, being aggrieved by the refusal of the respondents to regularize his services as Carpet Training Officer as also the denial of arrears of salary for the period he had rendered his services as Carpet Training Officer, filed SWP No. 390/1984 before a Single Bench of this Court. The said writ petition was disposed of vide order dated 25.07.1986, with the following directions:

- The petitioners shall be entitled to pay the same scale of pay and salary which was paid to the Carpet Training Officers for the period they had performed their services as such at various training centres.
- The arrears shall be paid to the petitioners by taking into account the period for which they had performed the duties of Carpet Training Officer in pursuance of the circular and the job chart.
- The petitioner shall not be entitled to be appointed as Carpet Training Officer.

4. The petitioner was aggrieved by the denial of the relief of regularization by the Writ Court and, accordingly, challenged the judgment of the Writ Court dated 25.07.1986 in LPA No. 33/2003.

5. The LPA was disposed of by a Division Bench of this Court vide order dated 08.05.2003. The judgment passed by the Writ Court was upheld, and the appeal was dismissed being devoid of any merit. The Division Bench reiterated that the petitioner was not entitled to be considered for adjustment/appointment against the post of Carpet Training Officer, as there was no supporting rule providing for such regularization or adjustment against the post of Carpet Training Officer.

6. The Division Bench, however, noticed that there was a dispute with regard to the payment of arrears to the petitioner in terms of the judgment of the Single Bench. It was the plea of the petitioner that he had not been paid any arrears, whereas the respondents insisted that they had already disbursed the entire arrears of salary.

7. Having found a complicated dispute of facts involved, the Division Bench left it open to the petitioner to seek a remedy before an appropriate forum, may be, in a Civil Court. It seems that in view of the aforesaid observations made by the Division Bench in the order dated 08.05.2003 *supra*, the petitioner filed a civil suit on 19.07.2003, before the Court of the learned Sub Judge, Anantnag.

8. Although the suit ought to have been limited to the determination of the issue regarding the payment or otherwise of arrears of salary payable to the petitioner, yet the petitioner took an opportunity to raise all issues, including those which stood already settled by the Division Bench in the Letters Patent Appeal. The Court of the learned Sub Judge, Anantnag [“trial Court”], unmindful of the directions issued by the Division Bench, framed in as many as ten (10) issues and rendered its judgment thereon on the basis of some evidence led before it. The suit was disposed of in terms of the judgment dated 16.01.2014, declaring the petitioner herein entitled to receive the entire amount of arrears from the respondents for the period along with

benefits to be calculated as per the record available with the respondents as Carpet Training Officer.

9. The suit was further decreed by holding the petitioner entitled to confirmation on his post which he was holding in-charge capacity (IC) Carpet Training Officer. This judgment and decree passed by the learned trial Court was assailed by the respondents herein before the Principal District Judge, Anantnag, which, upon the constitution of the Tribunal, came to be transferred to it and was registered there as T.A No. 7891/2021. The T.A was contested by the petitioner before the Tribunal.

10. The Tribunal, vide judgment impugned in this petition, upheld the decree passed by the trial Court to the extent it had directed the respondents to pay the entire arrears of salary for the period the petitioner had performed duties as Carpet Training Officer. The decree was, however, set aside in so far as it contained a direction to the respondents to confirm the services of the petitioner against the post of Carpet Training Officer. It is this judgment which is called in question before us in this petition.

11. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Tribunal is perfectly in consonance with law and does not call for any interference by us in our jurisdiction under Article 226 of the Constitution of India.

12. Admittedly, the issue with regard to the entitlement of the petitioner to seek regularization against the post of Carpet

Training Officer stood determined finally by the Division Bench of this Court. The Single Bench had ruled against the petitioner herein on this aspect, and the judgment of the learned Single Judge was upheld by the Division Bench by dismissing the LPA for being devoid of merit. This issue was, therefore, not open to be raised in the civil suit which was subsequently filed by the petitioner before the trial Court.

13. The suit before the trial Court could have been filed only for the determination of arrears of salary payable to the petitioner for the period he had rendered the services as Carpet Training Officer. The petitioner was given the liberty to file the suit by the Division Bench only for the reason that it was asserted by the petitioner that he had not received any arrears in terms of the Single Bench judgment, whereas it was the stand of the respondents that such arrears had already been disbursed. The issue of regularization of the petitioner as Carpet Training Officers was no longer *res-integra* and stood already determined. A suit regarding the aforesaid issue, therefore, was clearly barred by the principle of *res-judicata*.

14. So far as the other relief with regard to the arrears is concerned, the Tribunal has rightly upheld the decree to that extent. We may say that the suit was filed by the petitioner pursuant to the limited liberty granted to the petitioner to seek the determination of a disputed question of fact i.e., whether the petitioner had been paid the arrears or not and, therefore, could

not have been extended to the reliefs other than the aforesaid relief.

15. For the foregoing reasons, we do not find any merit in this petition, and the same is, accordingly, *dismissed*.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (A)

SRINAGAR:

01.09.2026

Bhat Aadil

Whether approved for reporting? Yes/No

